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United States Department of Agriculture  
FOREST SERVICE  
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STATE FORESTRY LAWS.<sup>1</sup>  
INTRODUCED BY CLASSIFIED SYNOPSES  
PENNSYLVANIA  
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<sup>1</sup>The State Forestry Laws leaflets which have been already published are as follows: No. 1, Wisconsin; No. 2, Louisiana; No. 3, North Carolina; No. 4, Maryland; No. 5, Missouri; No. 6, Texas; No. 7, Virginia; No. 8, Idaho; No. 9, Oregon; No. 10, Wyoming; No. 11, New Jersey (supply exhausted); No. 12, Washington; No. 13, Indiana; No. 14, Minnesota; No. 15, Montana; No. 16, Illinois; No. 17, Ohio; No. 18, Connecticut; No. 19, Massachusetts; No. 20, New Hampshire; No. 21, Colorado; No. 22, West Virginia; No. 23, New York; No. 24, Vermont; No. 25, California. Requests for leaflets should always identify the particular ones desired by giving their respective numbers, as here indicated, in addition to mentioning the names of the States. The laws of other States, so far as they

have been compiled, are available only for loan, through the Forest Service Library, Washington, D. C.

Whenever this leaflet or any other comprising a part of this compilation of State Forestry Laws is reprinted for local use, please append thereto the following: Note.—This arrangement of the Forestry Laws of . . . is reprinted from State Forestry Laws, compiled and issued in leaflet form by the Forest Service, U. S. Department of Agriculture. Similar leaflets for other States, so far as available, and information concerning forestry laws generally will be furnished upon request addressed to The Forester, Forest Service, Washington, D. C.

\* See footnote 13, attached to No. 11, on p. 24.

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## PURPOSE OF COMPILATION.

The compilation of State Forestry Laws, of which this leaflet is a part, aims to meet a manifest need of the times for a work of reference by means of which the basic legislation underlying forestry administration in the several States, and the various activities thereunder, may readily be studied and compared. To facilitate this purpose of comparing the legislation of one State with another, the Synopses introducing the laws in the several leaflets are classified and arranged to take up in a definite order the various subjects usually covered in such legislation. To further extend this educational purpose, only such of the State laws as bear more or less directly upon the practice of forestry are here compiled, to the exclusion of all other timber and tree laws, all forest-insect and fungus-control laws, except general provisions, and all transitory provisions of law, including those concerning annual or biennial appropriations. For the same reason, those finer points of reference proper only to a legal or administrative manual have also been omitted. Succeeding issues of each State leaflet, to form a separate series for each State, will serve to keep these fundamental laws up to date and free from encumbrance by obsolete provisions.

## SYNOPSIS OF LAWS.

### GENERAL FORESTRY ORGANIZATION AND ACTIVITIES.

**Department of Forestry, and State Forest Commission** (formerly, *State Forestry Reservation Commission*), with their Bureau and Office organization.

Consist of the Commissioner of Forestry and four other citizens, the Commissioner being the President and executive officer of the Commission (Nos. 11 (a) ; 13) ; and all of said members :

Are appointed by the Governor with the advice and consent of the senate, for terms of four years each. No. 11 (a).

NOTE.—As provided by the legislation originally enacted (L. 1901, act 9, sec. 1), the terms which are being served by the present members expire in pairs, separated by an interval of two years.



Are allowed travelling and other necessary expenses; and the Commissioner receives, in addition, a salary of \$8,000, and is provided with office and supplies at the State Capitol. Nos. 14; 15.

Comprise the following Bureaus and Offices: Bureau of Operation, Bureau of Silviculture, Bureau of Lands, Bureau of Forest Protection, Office of Research, Office of Information, and Office of Maintenance; and assign to such Bureaus and Offices the powers and duties of the Department; subject, however, to the complete supervisory control and direction of the Commission and Commissioner. No. 11 (c).

Appoint and assign to selected lines of work Forest Officers specially qualified therefor, to act as Chiefs and Assistant Chiefs of said Bureaus and Offices, whenever and to the extent that the Commission may deem such Assistant Chiefs necessary, and also as District Foresters, Foresters, and Forest Rangers; and employ and assign to duty other necessary personnel; and fix their compensation. Nos. 11 (e), (d); 13; 120.

Enforce forest laws, and adopt and execute rules and regulations thereunder. Nos. 11 (d), (e), (g); 13.

Divide the State into such Forest Districts as the Commission may deem necessary for general administrative purposes (*see "Forest Districts," on p. 4*); and assign District Foresters to take active charge thereof, and also such Foresters, Forest Rangers, and other help as may be necessary. No. 11 (d), (e).

Grow and distribute young forest trees and give necessary instructions and assistance in planting the same. Nos. 79; 80; 81; 11 (d).

Approve selections of lands for National Forests. No. 48.

Notify all forest officers and employees of requirements concerning safeguarding the State's forestry, game, and fish interests; and refer to the proper department all reports received in regard to violation of laws in relation thereto. No. 82.

Report upon the work of the Department, and also issue individual publications furnishing information in regard to forest lands and forestry. Nos. 11 (d); 13.

Apportion to the several appropriations for the Department the proportionate amounts to be paid therefrom for expenses incurred, respectively, for forest protection and for other lines of administrative work. No. 92.

Perform various additional duties in connection with forest fires, State forests, and forest taxation; which see under the following captions, respectively: "Fire

Organization and Activities," p. 5; "Public Forests," p. 14; "Taxation," p. 19.

#### Commissioner of Forestry.

Is appointed by the Governor, with the advice and consent of the senate, for a term of four years, and is required to be a technically trained forester. No. 11 (a), (f).

Receives a salary of \$8,000 per annum, and traveling expenses. No. 14.

Is required to give bond. No. 19.

Has office and supplies furnished him at the State capitol. No. 15.

Is President and Executive Officer of the Commission. No. 13. *For the powers and duties of which, see "Department of Forestry and State Forest Commission," above.*

#### Deputy Commissioner of Forestry.

Is appointed by the Governor; and is required to be a technically trained forester. Nos. 22 (a); 11(f).

Receives a salary of \$6,000 per annum. No. 14.

NOTE.—From the character of the office, it may reasonably be presumed, in the absence of any specific provision on the subject, that the Deputy Commissioner acts under the direction of the Commissioner, and also acts for, and performs the duties of the Commissioner in his absence.

Is required, under penalty, to safeguard, in a reasonable way, the State's forestry, game, and fish interests. No. 82.

#### Chiefs and Assistant Chiefs of Bureaus and Offices.

Are forest officers, appointed by the Commission, and assigned thereby to act as such chiefs and assistant chiefs, and who are required to be specially qualified to perform the duties thereof—the Chiefs and Assistant Chiefs of the Bureau of Operation, Forest Protection, and Silviculture, and the Chief and Assistant Chief of the Office of Research being also required to be technically trained Foresters. Nos. 11(e), (f); 86.

Receive compensation in amounts fixed by the Commission, subject, however, to the provision, "That the salary of any of the chiefs of bureaus and offices shall not exceed the sum of five thousand dollars per annum." No. 11(e), (c). *See also No. 88.*

#### District Foresters.

Are technically trained foresters, appointed by the Commission, and assigned thereby to take active charge of Forest Districts, for which work they must be especially qualified; and are subject to the authority and control of the Commissioner. Nos. 11(d), (e), (f); 85.

Receive a salary fixed by the Commission, No. 11(e) ; and necessary expenses. No. 92.

Perform such duties as are required to effect the purposes for which the Forest Districts are established. *See Forest Districts, on p. 4.*

Are required, under penalty, to safeguard, in a reasonable way, the State's forestry, game, and fish interests. No. 82.

#### **Other Officers and Employees.**

##### *Foresters and Forest Rangers—*

Are appointed by the Commission, and assigned thereby to selected lines of work for which they must be specially qualified; with the added requirement, in the case of Foresters, that they shall be educated and trained in forestry. No. 11(d), (e), (f).

Receive compensation in amounts fixed by the Commission. 11(e) ; and necessary expenses. No. 92.

Are required, under penalty, to make reports to the Department, upon all cases coming to their knowledge of violation of any of the forestry, game, or fish laws of the State, and to safeguard, in a reasonable way, the State's forestry, game, and fish interests. No. 82.

##### *Forest Wardens—*

Members of the State Police Force are authorized and empowered to act as Forest Wardens. No. 138.

##### *Specialists to Combat Destructive Agencies Other than Fires—*

Are assigned to the Bureau of Forest Protection by the Commissioner, who fixes their salaries at rates not to exceed the amounts usually paid for such services; their salaries being paid out of the general forest protection appropriation. No. 120. *For other miscellaneous personnel, see, under "Administrative Officers' General Powers and Duties," on p. 16, the powers of such officers to employ and assign to duty necessary assistants, and labor.*

May enter upon lands in the discharge of their duties. No. 103.

Are required, under penalty, to safeguard, in a reasonable way, the State's forestry, game, and fish interests. No. 82.

##### *Game and Fish Officers—*

Are required, under penalty, to safeguard, in a reasonable way, the State's forestry, game, and fish interests. No. 82.

#### **Department of State Police.**

Is required to aid in the enforcement of all laws relating to forestry, game, fish, and water supply (No. 138) ; and may, with the approval of the Governor, be called upon, by any other department of the State, to enforce all laws or regulations applicable thereto. No. 138 (a).

#### **Reciprocal Enforcement of the Forestry, Game, and Fish Laws of the State.**

Is required of each of the departments and of all the officials therein; their powers being extended accordingly, and the following duties imposed upon them:

The officials of each department are required, under penalty, to make reports to their respective departments upon all cases coming to their knowledge of violation of any of the forestry, game, or fish laws of the State, for due reference, if necessary, to the department having charge of the subject in question, and for prosecution of the offenders, under the direction of such department. No. 82.

Every person connected with said departments, and under pay of the State, is required, under penalty, to safeguard, in a reasonable way, the State's forestry, game, and fish interests. No. 82.

The respective heads of the departments are required to notify their employees of the obligations so imposed upon them. No. 82.

#### **Forest Districts.**

Are established by the Commission in order to facilitate its work for the following purposes:

To administer, protect, develop, and utilize the State Forest lands and resources. No. 11(d) ;

To protect all forest lands in the State from forest fires, fungi, insects, and other enemies. No. 11(d) ;

To promote and develop forestry and knowledge of forestry throughout the State. No. 11(d) ;

To advise and assist landowners in the planting of forest and shade trees. No. 11 (d) ;

To render reports upon the conduct of the Department. No. 11(d) ;

To obtain and publish information respecting forest lands and forestry in the State. No. 11(d) ;

To assist in Arbor Day work; and promote and advance any other activity in local forestry which the Department may deem helpful to the public interests. No. 11(d) ;

To execute its rules and regulations for the protection of forests from fire and depredation. No. 11(d).

#### **State Forest Nurseries.**

Supply young forest-trees for planting by the Department, and also, in event of excess stock, for distribution to applicants (without charge, further than cost of boxing and shipping), under agreement by the applicant to plant the same in accordance with regulations by the Department—sale thereof being prohibited. Nos. 79 ; 80 ; 81.

Are managed by the Department. Nos. 79 ; 80 ; 81.



**Cooperation.**

By the State with the Federal Government is authorized, under approval of the State Forest Commission and the Water Supply Commission, for the purpose of enabling the United States to acquire title to lands for National Forests and to provide for the management thereof (Nos. 48-52), subject to the following conditions:

Concurrent jurisdiction with the United States is retained by the State in and over such lands in respect to the execution of civil and criminal processes. No. 48.

State Forest lands are not subject to condemnation for such purposes. No. 51.

By the Department with the Board of Game Commissioners, and the Department of Fisheries is required,

in order to insure reciprocal enforcement of the forestry, game, and fish laws of the State. No. 82.

**Investigation and Education.**

Are promoted by the collection and publication of forestry data. Nos. 11 (d); 13; 87 (e), (f), (g); 91 (b).

**Publications.**

Are issued by the Commissioner in the form:

Of reports upon the progress and general management of the work of the Department. Nos. 11 (d); 87 (e), (f), (g).

Of individual publications concerning the extent and condition of forest lands in the State, and furnishing such information in regard to forestry and other related matters as may be deemed advisable. Nos. 13; 11 (d); 87 (f), (g).

**FIRE ORGANIZATION AND ACTIVITIES.****Department of Forestry and State Forest Commission.**

Direct operation of the Bureau of Forest Protection, established therein. No. 85; 11(c).

Fix rate per hour of compensation of Local Forest Firewardens. No. 97.

**Commissioner of Forestry.**

Has executive charge and control of the personnel of the Bureau. No. 85; 11 (c); 13.

Appoints a forester in the employ of the Department to be Chief of the Bureau of Forest Protection, who, by virtue of his appointment, becomes also Chief Forest Firewarden. No. 86.

Assigns duties to district firewardens whenever necessary. No. 91(i)

Hears and disposes of charges against firewardens. No. 107.

Assigns clerical assistants to the Bureau. No. 89.

Cooperates in fire protection work:

*Under General Authority Given the Department—*

With county, township, municipal, and private agencies. No. 123.

With the Board of Game Commissioners, and the Department of Fisheries, through reciprocal enforcement of the forestry, game, and fish laws of the State. No. 82.

*Under Direct Authority Given Him—*

With persons, firms, corporations, and associations, through approval of agreements entered into, by the Chief Forest Firewarden, with such agencies. No. 87 (j).

Enforces rules and regulations prescribed by the Commission for protection of forests from fire. Nos. 13; 11 (d), (e).

Files information concerning violation of forest fire laws, with Attorney General, for legal action. No. 87 (p).

Approves rate of compensation for fire-fighting laborers, fixed by the Chief Forest Firewarden. No. 106.

Furnishes forms for fire-fighting expense accounts. No. 96 (b).

Audits and approves monthly expense accounts for forest fire protection work under cooperative agreements authorized by act 361, L. 1915, and transmits them to the Auditor General (No. 123); and also transmits to the Auditor General bills for forest fire protection work which have been audited by the Chief Forest Firewarden, under authority of act 353, L. 1915. No. 87 (l).

Authorizes the educational work conducted by the Chief Forest Firewarden concerning forest fires. No. 87 (k).

Directs publication of the annual report of the Chief Forest Firewarden, with list of Firewardens (No. 87e), and the publication of such maps, drafts, and tables, submitted by the Chief Firewarden, as may be deemed advisable, either as a part of said report or as a separate bulletin. No. 87 (f), (g).

NOTE.—Under the fire protection system (Nos. 152-180) which preceded the present system, the Commissioner acted as Chief Firewarden. (See footnote 29, on p. 39.)

**Deputy Commissioner of Forestry.**

Note.—As regards the present duties, in general, of the Deputy Commissioner, which include the matter of forest fires, *see note on p. 3, under the heading "Deputy Commissioner of Forestry."* Under the previous fire protective system, the Deputy Commissioner acted as Deputy Chief Firewarden. (*See No. 160; and also footnote 29, on p. 39.*)

**Foresters and Forest Rangers.**

Are Forest Firewardens, *ex officio* (No. 99), in addition to being required to enforce all laws relating to forestry. No. 82. *See also "Special and Ex Officio Firewardens," on p. 9; and "Foresters and Forest Rangers," on p. 4.*

**Bureau of Forest Protection.**

Is established within the Department; and its executive officer, who is appointed by the Commissioner, is designated Chief of the Bureau of Forest Protection, and is a technically trained forester, especially qualified for the work; who, with the other personnel, is subject to the supervisory control and direction of the Commission and Commissioner. Nos. 85; 86; 11 (e), (f), (c).

An Assistant Chief of the Bureau may also be appointed or assigned thereto, in the discretion of the Commission. No. 11 (e).

Compensation of its officers and employees is fixed by the Commission—the maximum amount of salary, in the case of the Chief of the Bureau, being \$5,000 per annum; and all salaries, wages, and expenses of the Bureau are paid from the appropriation for forest protection. Nos. 11 (e), (c); 88.

**Chief Forest Firewarden.**

Is the Chief of the Bureau of Forest Protection, who, by virtue of his appointment, becomes also the Chief Forest Firewarden; and is subject to the supervisory control and direction of the Commission and Commissioner. Nos. 86; 85; 11 (c).

Receives compensation in his capacity as Chief of the Bureau. No. 88. *Concerning the amount and payment of such compensation, see "Bureau of Forest Protection," above.*

Takes such measures for the prevention and extinguishment of forest fires as will insure a reasonable protection to woodlots, forests, and wild lands within the State. No. 87 (a). *See also footnote 29, on p. 39, concerning reorganization of the earlier fire protection system in order to make it conform to this present system.*

Enters upon lands for fire protection purposes, and otherwise discharges his firewarden duties without in-

curring personal liability (Nos. 103; 105); all attempts at hindering him being prohibited under a penalty of fine or imprisonment, or both (No. 115), in conjunction with the right of appeal to the Commissioner being reserved to all who may feel aggrieved by the act of a Firewarden. No. 107.

Organizes and manages the present system of Forest Firewardens; and, in doing so, reorganizes the former system (*see Nos. 152–180*) to conform thereto as rapidly as possible. No. 87 (b), (c). *See also footnote 29, on page 39.*

Assigns duties to District Firewardens whenever necessary. No. 91 (i).

**Appoints:**

Local Firewardens upon recommendation of the District Firewardens, or upon his own personal knowledge of their fitness, when there is no District Firewarden for the fire district in question (Nos. 91 (c); 93; 94); and appoints them to serve as Watchmen or Patrolmen, whenever conditions require such services. Nos. 87(i); 96 (f).

Special and Ex Officio Forest Firewardens; and may change or extend their duties. No. 98.

Enters into agreements, with the consent of the Commissioner, with persons, firms, corporations, and associations, upon satisfactory terms, for prevention and control of forest fires. No. 87 (j). *See also Nos. 123; 91 (h).*

Organizes and operates a system of fire-towers and lookout stations; purchases material and equipment therefor, and hires the necessary labor. No. 87 (h).

Has authority, when property constitutes a special forest fire hazard, to declare it a public nuisance; and notifies and advises the owner as to abatement or removal. No. 87 (n), (o). *See also No. 116.*

Prescribes, under approval of the Public Service Commission, regulations to prevent railroads from causing forest fires (No. 109); and, when necessary, issues notices to railroads requiring compliance therewith within a stated time limit. No. 118.

Employs, or impresses, assistance in extinguishing forest fires (No. 101); and fixes rate of compensation for such services, under approval of the Commissioner. No. 106.

Audits bills for forest fire protection work under act 353, L. 1915; transmits to the Commissioner such as are correct and have been presented within the 60-days time limit; and, upon receipt of checks therefor, forwards same to the payees. Nos. 87 (l), (m).



Administers oaths or affirmations to persons who furnish information concerning forest fires, or who claim compensation for services rendered. No. 102.

Arrests, without warrant, persons detected in the act of violating any of the laws for the protection of forests, woodlots, timber, or wild lands, or when there is reasonable evidence to that effect or for believing that such offense is about to be committed; and takes the offenders before a justice of the peace or other magistrate, for hearing, trial, or other process of law. No. 104.

Submits to the Commissioner, for legal action, information concerning violation of forest fire laws. No. 87 (p).

Conducts educational work concerning forest fires under approval of the Commissioner. No. 87 (k).

Compiles forest fire data for the information of the Commissioner and the public; the maps, drafts, and tables being published in the discretion, and under the direction of the Commissioner, either as a part of the annual report of the Chief Forest Firewarden or as separate bulletins of the Department. No. 87 (f), (g).

Makes annual report to the Commissioner; which, with a list of the Firewardens is published by the Department. No. 87 (e).

Is required, under penalty, to safeguard in a reasonable way, the State's forestry, game, and fish interests. No. 82.

Is criminally liable for neglect of duty or falsifying accounts, or for failure to settle promptly for services rendered by others, and subject to a fine of not exceeding \$100, or imprisonment not to exceed three months, or both fine and imprisonment (No. 113); the fines being paid into the county treasury. No. 119.

### Subordinate Forest Firewardens.

#### *District Firewardens—*

Are District Foresters, who, in virtue of their appointment, become also District Firewardens (No. 90); and who are subject to the supervisory control and direction of the Commission and Commissioner. Nos. 85; 11 (c).

Receive compensation in their capacity as District Foresters. *Concerning the matter of such salaries and expenses, see "District Foresters," on p. 3.*

Establish headquarters within their districts. No. 91 (a).

Act as field representatives of the Chief Forest Firewarden, and are under his direction. No. 91 (a).

Recommend: Appointment of Local Firewardens; location of fire-towers; employment of patrolmen; regions to be patrolled; and other details in the protection system. No. 91 (c).

Inspect the work of, and assist, Local Firewardens (No. 91g); and assign duties to them when they are designated Patrolmen or Watchmen. No. 96 (f).

Arrange annual meetings of the Firewardens within their respective districts, for instruction. No. 91 (d).

Employ or impress assistance in extinguishing forest fires. No. 101.

Enter upon lands for fire protection purposes, and otherwise discharge their firewarden duties without incurring personal liability (Nos. 103; 105), all attempts at hindering them being prohibited under a penalty of fine or imprisonment, or both. No. 115.

Report to the Chief Forest Firewarden conditions existing in their respective districts conducive to forest fire hazards; and serve notices, issued by the Chief Forest Firewarden, for the correction of such conditions. No. 91 (e).

Develop cooperation between local agencies and the Department for the prevention and suppression of forest fires. No. 91 (h). *See also Nos. 123; 87 (j).*

Arrest, without warrant, persons detected in the act of violating any of the laws for the protection of forests, woodlots, timber, or wild lands, when there is reasonable evidence to that effect or for believing that such offense is about to be committed; and take the offenders before a justice of the peace or other magistrate for hearing, trial, or other process of law. No. 104.

Administer oaths to persons who furnish information concerning forest fires, or who claim compensation for services rendered. No. 102.

Receive, audit, and approve, before submitting to the Chief Forest Firewarden, reports and accounts of the Local Firewardens, No. 91 (f); and in the case of fire accounts are required to forward them within sixty days from the date of the fire. No. 96 (b).

Conduct educational work. No. 91 (h).

Are responsible for the collection of forest fire data. No. 91 (b).

Are required, under penalty, to safeguard in a reasonable way, the State's forestry, game, and fish interests. No. 82.

Perform such other duties as may be assigned them by either the Commissioner or the Chief Forest Firewarden. No. 91 (i).

Are criminally liable for neglect of duty or falsifying accounts, or for failure to settle promptly for services rendered by others; and are subject to a fine therefor not exceeding \$100, or imprisonment not to exceed three months, or both fine and imprisonment. (No. 113); the fines being paid into the county treasury. No. 119.

NOTE.—The firewarden system which preceded the present system also made provision for the appointment of District Firewardens and assigned them duties (*see No. 161, et seq.*; and also footnote 29, on p. 39).

#### *Local Forest Firewardens—*

Are appointed by the Chief Forest Firewarden, in such localities as he may deem best, upon recommendation of the District Firewardens for the several fire districts, or, where there is no District Firewarden, upon personal knowledge on the part of the Chief Forest Firewarden, as to their fitness. (Nos. 91 (c); 93; 94); and are subject to the authority and control of the Commissioner. No. 85.

Are required to possess the following qualifications: Physical fitness, sobriety, honesty, and ability to perform the duties of their office. No. 93.

Are furnished certificates of appointment, and may be given badges, in the discretion of the Chief Forest Firewarden. No. 95.

Receive compensation at a rate per hour to be fixed, from time to time, by the commission, not exceeding a maximum of 50 cents per hour for time actually employed, and expenses; the total amount that may be paid, from the forest protection appropriation to a Local Forest Firewarden, in any one month, being limited to a sum not to exceed \$75, unless he shall have been regularly employed as a patrolman or otherwise. No. 97.

Take prompt measures to extinguish forest fires on both State and private lands. No. 96 (a).

Employ or impress, needed assistance in extinguishing forest fires. No. 101.

Enter upon lands for fire protection purposes, and otherwise discharge their firewarden duties without incurring personal liability (Nos. 103; 105), all attempts at hindering them being prohibited under a penalty of fine or imprisonment, or both (No. 115); in connection with which, the right of appeal to the Commissioner is reserved to all who may feel aggrieved by the act of a Firewarden. No. 107.

Investigate causes of fires and report evidence and other facts to the Chief Forest Firewarden. No. 96 (c).

Administer oaths or affirmations to persons who furnish information concerning forest fires or who claim compensation for services rendered. No. 102.

File fire-fighting expense accounts with the District Firewardens, for forwarding to the Chief Forest Firewarden; and transmit, to payees, checks received from the State treasury. No. 96 (b), (d).

*See also No. 108, prohibiting payment of compensation, under Act 353, L. 1915, for fire-fighting services, to any owner or lessee of land on which fire may burn or be started, or to any employee thereof, or other interested party; or payment by a Firewarden for such services, to any person responsible for the spreading of a fire to a woodlot, forest, or wild land, or to any one in his employ.*

Serve as Watchmen and Patrolmen when so appointed by the Chief Forest Firewarden (No. 87i); and as such perform whatever duties may be assigned them by either the Chief Forest Firewarden or the District Firewardens. No. 96 (f).

Issue permits for setting fires, during the open seasons, on forest lands on which there are oil- or gas-producing wells; and are required to be present when such fires are started. No. 29.

Arrest, without warrant, persons detected in the act of violating any of the laws for the protection of forests, woodlots, timber, or wild lands, when there is reasonable evidence to that effect or for believing that such offense is about to be committed; and take the offenders before a justice of the peace or other magistrate, having jurisdiction for hearing, trial, or other process of law. No. 104. *See also No. 22, for similar authority granted all persons employed by the Commissioner for protection of State Forests.*

Attend annual district meetings of Firewardens when notified, or present a reasonable excuse. No. 96 (e).

Are required, under penalty, to safeguard in a reasonable way, the State's forestry, game, and fish interests. No. 82.

Are criminally liable for neglect of duty or falsifying accounts, or for failure to settle promptly for services rendered by others; and subject to a fine therefor not exceeding \$100, or imprisonment not to exceed three months, or both fine and imprisonment (No. 113); the fines being paid into the county treasury. No. 119.

NOTE.—The firewarden system which preceded the present system also made provision for the



appointment of a class of Firewardens corresponding in grade to these Local Firewardens, under the title of Assistant Firewardens, and provided for their powers and duties (*see Nos. 162, 166, et seq.*) It also provided for the employment of substitutes when necessary (*see No. 172*).

*See also Footnote 29, on p. 39.*

#### *Special and Ex Officio Forest Firewardens—*

May be appointed by the Chief Forest Firewarden, to serve without compensation other than their expenses (Nos. 98; 100); and Foresters and Forest Rangers are also Forest Firewardens, *ex officio*. No. 99.

Have the same power and authority as Local Forest Firewardens (*see above, "Local Forest Firewardens,"*); their duties being subject to change or extension by the Chief Forest Firewarden. No. 98.

Are criminally liable for neglect of duty or falsifying their accounts, or for failure to settle promptly for services rendered by others; and subject to a fine not exceeding \$100, or imprisonment not exceeding three months, or both fine and imprisonment (No. 113); the fines being paid into the county treasury. No. 119.

NOTE 1.—The firewarden system which preceded the present system also constituted the employees of the Department Ex Officio Firewardens, and assigned them duties (*see No. 164; and also footnote 29, on p. 39*).

NOTE 2.—In addition to performing the firewarden duties, above shown, such of the Ex Officio Firewardens as are in the pay of the State are required, under penalty, to safeguard, in a reasonable way, the State's forestry, game, and fish interests. No. 82.

#### *Fire, Game, and Fish Wardens.—*

NOTE.—The firewarden system which preceded the present system constituted Constables Ex Officio Fire, Game, and Fish Wardens, and assigned them duties. *See Nos. 153-156; and also footnote 29, on p. 39.*

#### *Members of the State Police Force—*

Are authorized and empowered to act as Firewardens. No. 138.

#### *Watchmen and Patrolmen—*

Are selected from the force of Local Firewardens, and appointed, by the Chief Forest Firewarden, during dry seasons and in regions subject to great fire risks, preference in selection being given to Firewardens who have proved efficient (No. 87 i); and recommendations for the employment of Patrolmen are also made by District Firewardens. No. 91 (c).

Perform such duties as may be assigned them by either the Chief Forest Firewarden, or the District Fire-

warden. No. 96 (f). *See also, under the heading, "Local Firewardens," on p. 8, the powers and duties of Local Firewardens, and penalty for failure to properly discharge such duties.*

NOTE.—The firewarden system which preceded the present system also made provision for patrol work during the fire seasons, by Firewardens designated for that duty (*see Nos. 176; 177; and also Footnote 29, on p. 39*).

#### **Fire-Fighting Laborers.**

Are employed, or impressed when necessary, by Firewardens (No. 101); subject, in case of failure, without just cause, to comply with such summons, to a penalty of a fine not exceeding \$100, or imprisonment not exceeding one month, or both such fine and imprisonment; the fines being paid into the county treasury. Nos. 114; 119.

Receive compensation at a rate per hour not to exceed 40 cents; which rate is fixed for each fire district by the Chief Forest Firewarden, with the approval of the Commissioner, and is based upon wage rates for day labor within the respective districts. No. 106.

May be required by Firewardens to make oath to their statements when claiming compensation. No. 102.

*See also No. 108, prohibiting payment of compensation, under the fire protection act (No. 353, L. 1915), for fire-fighting services, to any owner or lessee of land on which fire may burn or be started, or to any employee thereof, or other party having a vested interest in the land; or payment, by a Firewarden, for such services, to any person responsible for the spreading of a fire to a woodlot, forest, or wild land, or to any one in his employ. (See also Nos. 165; 173.)*

NOTE.—The firewarden system which preceded the present system made provision for Firewardens employing, or impressing assistance in fire fighting, and also for compensating parties, in the absence of a Firewarden, combatted fires without being previously employed for purpose (*see Nos. 163; 173; 179; and also footnote 29, on p. 39*).

#### **Constables and Other Peace Officers.**

Arrest, without warrant, violators of law for the protection of forest or timber land.

Constables exercise the same authority as Fire, Game, and Fish Wardens.

#### **Detective and Legal Services.**

NOTE.—The firewarden system which preceded the present system required Firewardens to appoint persons to detain and arrest forest law violators.



measures to extinguish fires (No. 152); and in event of their failure to do so or their appointment of inefficient persons, empowered the Commissioner of Forestry, upon request of residents or landowners, to appoint detectives and employ attorneys for the work (*see Nos. 157; 158; and also footnote 29, on p. 39*).

*For similar authority to employ such services under the present firewarden system, see No. 13, and the corresponding synopsis statement on p. 17, under the heading, "Administrative Officers' General Powers and Duties."*

#### Department of State Police.

Is required to aid in the enforcement of all forestry laws, and the members of the force are authorized and empowered to act as Firewardens (No. 138); and may, with the approval of the Governor, be called upon, by any other department of the State, to enforce all laws or regulations applicable thereto. No. 138(a).

#### Game and Fish Officers.

Are required, under penalty, to safeguard, in a reasonable way, the forestry interests of the State. No. 82.

#### Public Service Commission.

Approves regulations prescribed by the Chief Forest Firewarden to prevent fires being caused by railroads. No. 109.

#### Attorney General.

Is required to take whatever measures are needed to insure proper disposition of cases in which Firewardens have made arrests and filed complaints involving charges of violations, actual or proposed, of laws for the protection of forests, woodlands, or wild lands. No. 104.

#### Clerical Assistants.

Are assigned to the Bureau by the Commissioner, as follows: (a) A forester to serve as clerk to the Chief Forest Firewarden; and (b) other assistants, from time to time, to serve as needed. No. 89.

ject to the control of the Commissioner. No.

, under penalty, to safeguard, in a reasonable way, the State's forestry, game, and fish inter-

township, municipal and private  
ing or controlling woodlots, forests,  
r whose activities, in whole or in  
d towards fire protection work;  
following requirements: (a) Co-  
on a basis of mutual expendi-  
monthly statements of all ex-

penditures to be submitted to the Department by the parties collaborating, and followed, annually, by reports containing complete itemized statements, duly attested. Nos. 123; 124; 87 (j).

With the Board of Game Commissioners, and the Department of Fisheries, through reciprocal enforcement of the forestry, game, and fish laws of the State. No. 82.

#### Reciprocal Enforcement of Forestry, Game, and Fish Laws.

Powers of the forestry, game, and fish officials, in each of the several departments, are extended to cover the enforcement of laws concerning the other departments; and every person connected therewith and under pay of the State, is required, under penalty, to safeguard, in a reasonable way, the forestry, game, and fish interests of the State. 82.

#### Distribution of Costs of Fire Protection.

*State pays—*

One-half of the costs under cooperative agreements with county, township, municipal, and private agencies; the expense being defrayed from the general forest fire appropriation, upon approval by the Commissioner (Nos. 123; 87j), and, in cases involving expenses incurred under authority granted in act 353, L. 1915 (No. 87j), the Auditor General is also required to satisfy himself as to the correctness of the bills. No. 112.

In full, all other duly approved costs of fire protection work; the expense being defrayed from the general forest protection appropriation. Nos. 110-112; 92.

*Counties, Townships, Municipal and Private Agencies pay—*

One-half of the costs under cooperative agreements with the Department. Nos. 123; 124.

NOTE.—The firewarden system which preceded the present system also made provision for the distribution of costs of fire protection (*see Nos. 152-180; and also footnote 29, on p. 39*). That earlier system has, however, been made subject to reorganization, in order to conform it to the present system.

#### Investigation and Education in Relation to Forest Fires.

Are promoted:

By the collection and publication of forest fire data. Nos. 11 (d); 13; 87 (e), (f), (g); 91 (b).

By educational work conducted, under approval of the Commissioner, by the Chief Forest Firewarden (No. 87k), and by the District Firewardens. No. 91 (h).

**Publications.**

Are issued by the Commission in the form:

Of reports upon the progress and general management of the forest fire activities of the Department. Nos. 11 (d); 87 (e), (f), (g).

Of individual publications containing data concerning forest fires. Nos. 11 (d); 13; 87 (f), (g); 91 (b).

**COMPULSORY RESPONSIBILITY IMPOSED FOR PROTECTION OF FOREST LANDS.****Public Nuisance.**

Any property which, by reason of its condition or operation, is a special forest fire hazard, and, as such, endangers other property or human life, may be declared a public nuisance, by the Chief Forest Firewarden; who is required to notify the owner of the property, or the person responsible for the condition declared a nuisance, and advise him as to the abatement or removal thereof; such notice, in the case of railroads, being required to be served upon the superintendent of the division in which the nuisance exists. No. 87 (n), (o).

Refusal to comply with such an order of abatement from the Chief Forest Firewarden constitutes a misdemeanor, and subjects the offender (person or corporation) to a fine of not more than \$100, or to imprisonment for not more than one month, or to both (the fines being paid into the county treasury); and in all such cases, the neglect or refusal of any officer, agent, or other person acting for or employed by a corporation, and having supervision of the property complained about, is deemed the neglect or refusal of the corporation itself. No. 116; 119.

Every day's continuance of non-abatement, after receipt of abatement order, constitutes a separate and distinct offense, except as to any period of time during which a preliminary injunction, or interlocutory order of supersedeas, may be in force. No. 116.

**Brush and Slash Disposal.**

*On Oil- or Gas-Producing Forest Lands—*

Is required as follows:

a. Owners, lessees, or others in charge of forest lands on which there are producing oil-wells, or gas-wells, or rigs for drilling such wells, or owners of trees growing on said lands, are required to clear of inflammable material, at least once a year, land within one hundred feet of such wells, or rigs, or railroad rights of way thereon, in order that, during the close season, namely, from April 1 to May 20, and from Sept. 10 to Nov. 10 (*see No. 29*), the said areas may be clear of such ma-

terial; and, in case any person, partnership, or corporation shall neglect to perform the duty so imposed, the same shall be liable to the county in a penalty of \$50, recoverable in an action of assumpsit. No. 30.

(b). Railroads are required to cut and remove, at least once a year, from such parts of their rights of way as pass through such lands, all grass, brush, and other inflammable materials; and, in case of failure to do so, are answerable to the owner, or owners of any property which may, in consequence, be injured or destroyed by fire; and are also further liable, to the county, in a penalty of \$100, recoverable in an action of assumpsit. No. 31.

Is regulated on such lands, whenever it is effected by burning, as shown below, under the heading, "Kindling Fires in the Open." (*"On Oil- or Gas-Producing Lands."*)

*On All Lands—*

NOTE.—There is no legislative provision which of itself specifically requires or regulates the disposal of brush and slash on non-oil or non-gas producing lands. There should, however, be borne in mind the wide authority conferred, by the provisions in No. 87 (n), (o), upon the Chief Forest Firewarden to deal with such a situation; under which he has power, presumably, to declare any brush or slash a public nuisance, which by reason of its condition is likely to start fires, and, consequently, constitutes a special fire hazard. *For action in such cases, see, above, under the heading, "Public Nuisance."*

Further provision for requiring the disposal of brush and slash is also found in the requirement that railroads shall, under penalty, put into effect such reasonable regulations for the prevention of forest fires as may be deemed necessary by the Chief Forest Firewarden, and approved by the Public Service Commission. Nos. 109; 118.

**Kindling Fires in the Open.**

*On Oil- or Gas-Producing Forest Lands—*

Is regulated as follows:

a. During the close season, namely, from the first day of April to the twentieth day of May, and from the tenth day of September to the tenth day of November, the burning of fallows, stumps, logs, brush, dry grass, fallen timber, or tree tops, on lands on which there are producing oil-wells, or gas-wells, or rigs erected for drilling such wells, is prohibited, under penalty. (*See subdiv. c, below.*) No. 29.

b. During the open season, namely, the remainder of the year, fires may be set on such lands, subject to the following conditions: That a permit



be obtained, in advance, from the proper Fire-warden, who shall be present in person, when the fire is started; that it shall not be kindled in a high wind, or without sufficient help to control it; and that it shall be duly watched, by the person who starts it, until it is extinguished. No. 29.

c. Failure to comply with any of the above provisions or conditions, applying to either the close or the open season, subjects the offender to penalties as follows: For the first offense a fine of not less than \$10, or more than \$20, and for every subsequent offense, a fine of not less than \$20, or more than \$100, with imprisonment added, in event of default in respect to due payment; from which penalties appeal may be taken whenever the fine exceeds \$20. All fines in such cases go to the county. No. 29.

NOTE.—There are no permit restrictions applicable to non-oil, and non-gas producing forest lands.

#### *On All Lands—*

Unlawfully firing woodlands, or causing fire to spread thereto, constitutes a misdemeanor, and subjects the offender to prosecution under one or the other of the following provisions:

a. *First alternative provision.* (Under act to protect trees and woodlands, L. 1911, p. 861.)

Whenever a person willfully, negligently, or maliciously sets on fire any woodlands within the State, or sets fire upon adjacent lands which spreads to such woodlands, or directly or indirectly causes fire to burn therein without the consent of the owner, he is subject to a fine of not exceeding \$1,000 for each offense, or to imprisonment not exceeding six months, or to both such fine and imprisonment, with costs of suit; all fines being paid to the county. Nos. 53; 56.

NOTE.—The term "person," as used in this act, is defined to include not only individuals, or natural persons, but also "artificial persons," which term is construed to mean "partnerships, limited partnerships, joint stock companies and corporations, and the officers, agents, and employes of the same." The term "woodlands" is also construed as meaning "woods, farmers' woodlots, marshes, moors, brush, barrens, brush lands and wild unseated uncultivated land." Nos. 54; 55.

b. *Second alternative provision.* (Under act to establish a Bureau of Forest Protection, L. 1915, act 353.) Whenever a fire set by any person (except in the case of a back fire set in good faith) destroys property belonging to another, it constitutes prima facie evidence that the loss involved has resulted from negligence; and the guilty party is subject to a fine of not exceeding \$1,000 for each offense, or to imprisonment not

exceeding six months, or to both such fine and imprisonment; all fines being paid to the county. Nos. 117; 119.

In connection with constructing and maintaining public highways through or along forested, wild, or uncultivated lands, injury to adjoining standing timber through burning brush, or other debris on, or immediately along, the roadway, constitutes a misdemeanor, punishable with a fine of \$5 for every tree so injured or destroyed; payment of the fine, with costs of suit, being enforceable through imprisonment. (*See Vol. of Session Laws of 1909, act 58, secs. 1, 6=5 Pur. Dig., pp. 6250, 6251, secs. 132,<sup>2</sup> 137.*)

*For general provisions concerning responsibility in respect to damages for causing injury or loss through firing woods see Nos. 1; 2; 31.*

NOTE.—The above provisions and the similar ones for protection of State Forest lands (on p. 15), are the only ones concerning setting fires in the open which apply to non-oil or non-gas producing forest lands as well as to those which are oil- or gas-producing.

#### **Railroads.**

*When operating through Oil- or Gas-Producing Forest Land.—*

Are required:

To equip locomotives with steel netting or iron wire on the smokestacks, or other efficient spark arresters, to prevent the escape of fire or sparks, and also adequate devices to prevent the escape of fire from ash-pan and furnaces. No. 31.

To leave no deposits of fire, coals, or ashes, on their tracks or rights of way near such lands. No. 31.

To clear their rights of way at least once a year. No. 31.

NOTE.—Railroads, as landowners, lessees, or otherwise in charge of forest lands on which

<sup>2</sup> A footnote attached to sec. 132, 5 Pur. Dig., p. 6250, (which volume covers as far as through the 1915 session), calls attention to the case of *Commonwealth v. Miller et al.*, under sec. 2 of this act (L. 1909, act 58); the decision in which case suggests the possible unconstitutionality of this act, as follows:

"The statute is not attacked on constitutional grounds, and, therefore, no opinion in that regard will be expressed. It can not, however, escape notice that, in so far as the body of the act attempts to reorganize the powers of the constituted highway authorities, the sufficiency of the title is open to question, and sooner or later its validity is likely to be challenged."

As regards, however, this point of possible unconstitutionality of the act (No. 58, L. 1909), the provisions therein which are here referred to have been since reenacted, as far as regards townships, in the General Township Act. (*See Vol. of Session Laws of 1917, p. 840; secs. 830, 833, 834.*)



there are producing oil-wells, or gas-wells, or rigs for drilling such wells, or as owners of trees growing thereon, are also required, under special penalty recoverable by the county, to clear of inflammable material, at least once a year, land within one hundred feet of such wells, or rigs, or rights of way thereon. *See No. 30; and also its corresponding Synopsis-statement under the heading "Brush and Slash Disposal," above, on p. 11.*

To employ, during the close season, sufficient trackmen to promptly put out fires on their rights of way. No. 31.

To use all practicable means to extinguish fires on their own or neighboring lands, within 100 feet of their tracks. No. 31.

To exact of their employees the following obligations:

That they leave no deposits of fire, coals, or ashes, on their tracks or rights of way near such lands. No. 31.

That every engineer and fireman use the fire protection devices supplied by the company. No. 31.

Are liable, for failure to comply with any of the above requirements contained in No. 31, in a penalty of \$100, recoverable by the county in which the violation occurs, through an action of assumpsit; in addition to being answerable to the owner of any property destroyed or injured by fire in consequence of such violation. No. 31.

*For general provisions concerning both criminal and civil liability for firing woods, and thereby causing loss or damage, see also, on p. 12, under the heading, "Kindling Fires in the Open." ("On All Lands.")*

*When Operating Through Forest Lands, In General.—*

Both steam and electric railroads put into effect regulations prescribed by the Chief Forest Firewarden and approved by the Public Service Commission (No. 109), under penalty, as follows, for each neglect or refusal to take such required action: Forfeiture, and payment to the State, of the sum of \$100, recoverable in an action of assumpsit; each day's continuance of refusal to comply, after a notice from the Chief Forest Firewarden and lapse of the time-limit set therein, constituting a separate and distinct offense. No. 118.

NOTE.—The above is the only legislative provision which of itself specifically imposes restrictions upon the operation of railroads through non-oil or non-gas producing lands as well as through those which are oil- or gas-producing. In this connection, however, the general power conferred

upon the Chief Forest Firewarden, by the provisions of No. 87 (n), (o), should be borne in mind, since it clothes him with authority to deal with such a situation. Thereunder, he has authority, presumably, to declare any of the following objects a public nuisance, whenever they are likely to start fires and, in consequence, constitute a special fire hazard, namely: Locomotives or other operating equipment; deposits of fire, coals or ashes on tracks or rights of way; and debris along rights of way, and the like. *For action in all such cases, see "Public Nuisance," on p. 11.*

*For general provisions concerning both criminal and civil liability for firing woods, and causing thereby loss or damage, see also on p. 12, under the heading, "Kindling Fires in the Open." ("On All Lands.")*

#### Traction and Other Portable Steam Engines.

NOTE.—All traction and other portable steam engines using wood for fires, with certain stated exceptions, are required, under penalty of fine, to be equipped with efficient spark-arresters (bonnet spark-arresters conforming to given specifications), and to carry proper fire-extinguishers or buckets. *See Volume of Session Laws for 1919, act 303, secs. 2, 6 (b).*

*See also general provisions concerning both criminal and civil liability for firing woods, and thereby causing loss or damage, under, "Kindling Fires in the Open." ("On All Lands.")*

#### Landowners' Responsibilities.

Require owners, or others responsible for the condition of forest lands:

To abate, or remove, upon notice from the Chief Forest Firewarden, such forest fire hazards for which they are responsible, as have been declared a public nuisance. *For requirements and liability in such cases, and action thereunder, see "Public Nuisance," on p. 11.*

To observe the close season for burning fallows, stumps, logs, brush, dry grass, etc., on oil- or gas-producing forest lands; and to take required precautions, during the open season, to prevent the escape of fire thereon. *For requirements, in detail, in such cases, and liability for failure to comply therewith, see above, "Kindling Fires in the Open." ("On Oil- or Gas-Producing Forest Lands.")*

To extinguish as far as may be possible, fires burning or started upon their lands. No. 108. *For general provisions concerning liability for firing woods, see, above on p. 12, "Kindling Fires in the Open." ("On All Lands.")*

*See also Nos. 165; 173, containing provisions on this subject under the firewarden system which preceded the present system.*

## PUBLIC FORESTS.

## STATE FORESTS.

**Purpose.**

Are established for the purpose of protecting water supplies, and conserving forestry, health and recreation interests, in general, by holding, maintaining, and developing the lands as State Forests.<sup>3</sup> Nos. 8; 38; 11 (g).

**Acquirement of Lands and of Surface Rights.***Without Cost—*

Whenever the State Forest Commission makes application for vacant or unappropriated lands, for forestry uses, title thereto is granted, free of cost. Nos. 38; 39.

*See also under the heading, "By Exchange of Lands," on p. 14.*

*By Purchase.—*

Any lands that are suitable for State Forests may be purchased by the Commissioner of Forestry and the State Forest Commission, with the consent of the Governor, subject to the requirements that the price paid therefor shall not exceed ten dollars (\$10) per acre, and that the amount so expended, in any biennial period, shall not exceed the appropriation for that purpose for such period, Nos. 11 (b); 84; and also subject to the following conditions:

In respect to lands which have been acquired by counties through tax sale, the consideration shall include all taxes levied, interest, and costs due to date of conveyance. Nos. 76; 77; 78.

In respect to unseated<sup>4</sup> lands which are purchased direct at tax sale, the purchase is subject

<sup>3</sup> In addition to serving such purposes, Game Preserves may be located on State Forests, with the consent of the State Forest Commission; not to exceed in area one-half of the area of the State Forest, and the greatest transverse dimensions thereof not to exceed ten miles. All Preserves so located are required to be surrounded by a well defined fire-line or clear strip of land and by at least one wire at the boundary thereof, and notices are also required to be posted, conspicuously, on the boundary, to read as follows: "State Game Refuge: Hunting is Unlawful." Such Preserves are subject to regulations established by the Board of Game Commissioners, under agreement with the Department of Forestry. Any citizen may go upon them without firearms during the close season for game; and any member or employee of either the Department of Forestry or the Board of Game Commissioners may go thereon for any purpose in compliance with his official duties, in any manner and at any time, with or without firearms. (See Volume of 1915 Session Laws, act 65, secs. 1-9.)

<sup>4</sup> In connection with assessing realty, "unseated lands" are those on which there are no such improvements as indicate a personal responsibility for its taxes. (Stoetzel v. Jackson, 105 Pa., 562, 567.)

"Seated land," as used in the tax laws, is land that is occupied, cultivated, improved, reclaimed, farmed, or used

to redemption, and the bid made and price paid for the lands shall not exceed the amount of taxes for the non-payment of which the lands are sold, and costs. Nos. 4-8.

In respect to unseated lands which are purchased at private sale, the price paid for the land shall not exceed the assessed value thereof. No. 5.

Surface rights to any lands within the State may be purchased by the Department, and held as State Forests; the fact that the title to the lands in question may be subject to outstanding rights in respect to waters, valuable deposits, or any privileges or reservations, not being necessarily a bar to such acquirement, when such rights, privileges, or reservations will not interfere with the administration of scientific or practical forestry. Nos. 129; 130.

*By Condemnation Proceedings—*

Any lands that are suitable for State Forests may be secured through condemnation proceedings, by the Commissioner of Forestry and the State Forest Commission, with the consent of the Governor. No. 11 (b).

Whenever lands that are suitable for forestry purposes are desired for such uses, and a price therefor can not be agreed upon with the owner, or the owner can not be found, the lands may be acquired by the State Forest Commission, through condemnation proceedings; all damages awarded and costs in connection with the proceedings being paid by the State. Nos. 139-150.

*By Exchange of Lands—*

Whenever it shall be determined by the Commission to be to the advantage of the State Forest interests, the following action may be authorized by resolution, adopted and declared by the Commission and approved by the Governor: Exchange of State Forest lands, together with the buildings, improvements, and appurtenances thereof, for privately owned lands of equal or greater value, which are at least equally adapted to State Forest purposes; the exchange to be made after such public hearing as the Commission may prescribe, and to be consummated in accordance with certain prescribed legal procedure. Immediately after which, the lands so transferred to the State become a part of the State Forests, subject to all the laws and rules

as a place of residence. (Earley v. Enwer, 102 Pa., 338, 340.)

When land is seated, the person is only liable for the tax; but when it is unseated there is no personal liability, but the tax is laid specifically on the land, but not on the person or owner. (Kennedy v. Daily (Pa.), 6 Watts, 269, 272.)



governing the State Forests. Nos. 151; 151 (a); 151 (b); 151 (e).

*Limit of Purchase Price—*

May not exceed the sum of \$10 per acre. No. 84.

*Limit of Amount of Expenditure for Acquisition of Lands.*

May not exceed, in any biennial appropriation period, the appropriation for such purpose, for that period. No. 11 (b).

**Status of Lands and of Surface Rights.**

Title to such lands and rights vests in the State; subject, however, in the case of surface rights to any outstanding sub-surface rights, privileges, or reservations that may exist. Nos. 7; 18; 129; 130.

Such lands and surface rights are, from the date of acquirement, exempted:

From taxation. Nos. 7; 18.

From condemnation for National Forests. No. 51.

**Disposal of Lands.**

Whenever it shall be determined by the Commission to be to the advantage of the State Forest interests, either of the following actions may be authorized by resolution, adopted and declared by the Commission and approved by the Governor:

*a.* Exchange of State Forest lands, together with the buildings, improvements, and appurtenances thereof, for privately owned lands of equal or greater value, which are at least equally adapted to State Forest purposes; the exchange to be made after such public hearing as the Commission may prescribe, and to be consummated in accordance with certain prescribed legal procedure. Nos. 151; 151 (a); 151 (b); 151 (e).

*b.* Sale of State Forest lands, together with the buildings, improvements, and appurtenances thereof, when declared by the resolution to be more valuable for other use than for State Forest purposes and not needed for use in the administration and protection of the State Forests; the sale to be made, after due advertisement, to the party offering the highest price, and to be consummated in accordance with certain prescribed legal procedure. All receipts from such sales are deposited in the State treasury, and are appropriated and made available, until expended, for use separately or in conjunction with any other appropriations for the acquirement of lands for State Forest purposes. Nos. 151; 151 (a); 151 (c); 151 (d); 151 (e).

**Fixed Annual Charge on State Forests, in Lieu of Taxes.**

Is made for the benefit:

Of roads in the townships in which State Forests are located, in the sum of two cents per acre. Nos. 26; 27.

Of schools in the respective districts in which the State Forests are located, in the sum of two cents per acre; *provided*, the said school districts shall, each, levy and collect a tax, for the support of its schools, of not less than four mills on the dollar of the assessed valuation of property in such district. Nos. 41; 42.

Of counties in which State Forests are located, in the sum of one cent per acre. Nos. 136; 137.

Payment of the amounts so due to township, school districts, and counties, respectively, is made by the State Treasurer upon certified returns submitted by the Commissioner of Forestry. Nos. 27; 42; 137.

*For a similar class of payments on account of so-called auxiliary Forest Reserves, see Nos. 65; 66.*

**Receipts and Proceeds from State Forests.**

When derived from sale of State Forest lands are deposited in the State treasury for use separately or in conjunction with any other appropriations for the acquisition of lands for State Forest purposes, having been appropriated and made available therefor until expended. No. 151 (c).

All other receipts and proceeds constitute part of the fund designated, "The State School Fund of Pennsylvania," with the proviso that the State Forests continue wholly under the control of the State Forest Commission. No. 52 (a).

Are required to be paid promptly to the State Treasurer, and by him kept in a separate account, subject to the disposal of the State Board of Education. No. 52 (b).

*See also No. 58.*

**Fires.**

Unlawfully causing fires in State Forests constitutes a misdemeanor, and subjects the offender to prosecution under one or the other of the following provisions:

*a. First alternative provision. (Under the special act to protect State Forests, L. 1911, p. 163.)*

Every person who willfully, negligently, or maliciously kindles a fire within a State Forest, or on adjacent lands, from which fire spreads thereto, or causes any fire therein except in accordance with the rules prescribed by the Department of



Forestry is guilty of a misdemeanor and is subject to a fine of not exceeding \$1,000 for each offense, or to imprisonment not exceeding six months, or to both such fine and imprisonment; all fines being paid to the State Treasurer, through the Commissioner of Forestry, for the use of the State. Nos. 43; 46.

NOTE.—The term "person," as used in this act, is defined to include not only individuals or natural persons, but also "artificial persons," which term is construed to mean "partnerships, limited partnerships, joint stock companies, and corporations, and the officers, agents, and employees of the same." No. 47.

*b. Second alternative provision. (Under act to establish a Bureau of Forest Protection, L. 1915, act 353.)*

Whenever a fire set by any person (except in the case of a back fire set in good faith), destroys property belonging to another, it constitutes prima facie evidence that the loss involved has resulted from negligence; and the guilty party is subject to a fine of not exceeding \$1,000 for each offense, or to imprisonment not exceeding six months, or to both such fine and imprisonment; all fines being paid to the county. Nos. 117; 119.

In connection with constructing and maintaining public highways through or along forested, wild, or uncultivated lands, injury to adjoining standing timber through burning brush or other debris on, or immediately along the roadway, constitutes a misdemeanor, punishable with a fine of \$5 for every tree so injured or destroyed; payment of the fine, with costs of suit, being enforceable through imprisonment. (See *Vol. of Session Laws 1909, act 58=5 Pur. Dig., pp. 6250, 6251, secs. 132<sup>2</sup>-137.*)

*See also:*

*Provision requiring fire-lines around game preserves when located on State Forests, which is shown in footnote on p. 14.*

*Provision, in No. 13, for employment of detective, legal, or other services for the protection of State Forests and prosecution of violators.*

*Concerning civil responsibility for causing injury or loss through firing woods, see Nos. 1; 2; 31.*

#### Timber Trespass and Other Damage.

Every person who willfully, negligently, or maliciously fells, cuts bark from, injures, destroys, or removes trees, on any of the State Forests, or otherwise causes injury to such Forests or to trees thereon, is guilty of a misdemeanor, and subject to a fine not exceeding \$500 for each offense, or imprisonment not exceeding

three months, or to both; all fines being paid, through the Commissioner of Forestry, to the State Treasurer, for the use of the State. Nos. 44; 46.

*For definition of the term "person," see, above, the Note under the heading, "Fires."*

*See also (in volume of Session Laws of 1909, act 58=5 Pur. Dig., pp. 6250, 6251, secs. 132<sup>2</sup>-137), penalty for unlawfully injuring or destroying trees in connection with constructing or maintaining public highways through or along forested, wild, or uncultivated lands.*

#### Fire and Other Warning Notices.

Are required to be conspicuously posted in or about the State Forests. Nos. 22; 45.

Willful, negligent, or malicious injury, destruction, or removal thereof subjects the person offending to criminal prosecution, and is punishable by a fine not exceeding \$100 for each offense, or imprisonment not exceeding 30 days, or to both fine and imprisonment; all fines being paid, through the Commissioner of Forestry, to the Treasurer of the State for the use of the State. Nos. 45; 46; 47.

#### Violation of Rules for Government of State Forests.

When willful, negligent, or malicious, constitutes a misdemeanor, punishable by a fine of not exceeding \$100 for each offence, or imprisonment not exceeding 30 days, or both, with costs of suit, *provided*, notices of such rules were prominently posted on or about the State Forests; all of said fines being paid, through the Commissioner of Forestry, to the State Treasurer, for the use of the State. Nos. 45; 46; 47.

#### Administrative Officers'<sup>5</sup> General Powers and Duties.

Take required measures for the acquirement of lands for State Forests, as follows:

Without cost. Nos. 38; 39.

By purchase, No. 11 (b): *a.* Of lands sold for nonpayment of taxes (Nos. 4-8; and 76-78); *b.* Of lands at private sale. No. 5.

By condemnation. Nos. 11 (b); 139-150.

By exchange. Nos. 151; 151(a)-151(d).

Hold title, for the State, to all lands so acquired. Nos. 7; 18.

Acquire, by purchase, and hold surface rights, as State Forests. Nos. 129; 130.

<sup>5</sup> The several officers upon whom these general powers and duties are directly imposed are the Commissioner of Forestry and the other members of the State Forest Commission. No. 11 (a), (c).

Manage, control, protect, maintain, utilize, and develop all lands acquired for State Forests; the Commissioner, as Superintendent thereof, having, under the direction of the Commission, immediate control and management of the Forests. Nos. 8; 11 (c); 13; 52 (a).

Prescribe and enforce rules and regulations for the control, management, protection, utilization, and development of the State Forests. Nos. 11 (d), (e), (g); 13.

Are empowered:

To employ and assign to duty such surveyors, draftsmen, stenographers, and other assistants and labor, and such scientific assistants and other employees as may be needed, and to fix their salaries. Nos. 11 (e); 120.

To employ detective, legal, and other services for the protection of the forests and prosecution of violators, under approval of the Commission and the Governor. No. 13.

Sell or dispose of timber on State Forests, and also execute contracts or leases for the mining or removal of any valuable minerals that may be found thereon, after due advertisement whenever the minerals exceed \$300 in value; the contracts or leases being awarded to the highest and best bidders, who are required to give bond for the proper performance of the contracts, No. 11 (g); and all proceeds from such sales of timber, and from such leases or contracts concerning the disposition of minerals, being paid into the State treasury to constitute a part of the State School Fund. Nos. 19; 52 (a); 52 (b).

Lease, upon reasonable terms, small areas of agricultural lands, within State Forests, which are better suited for agriculture than for forestry purposes (No. 131); subject to the following conditions:

Leases shall not exceed ten-year terms, and may be terminated earlier upon mutual agreement; and carry renewal privileges, upon the same or new conditions. No. 132.

In event of more than one applicant for a tract, award shall be made to the highest responsible bidder, after due advertisement of the proposed lease, *provided*, the amount of the bid is satisfactory to the Department. No. 133.

Buildings and fences which may be placed upon a tract by the lessee, at his expense, may be removed therefrom by him, at the termination of the lease; or the same may be purchased by the

Department upon reasonable terms, to constitute a part of the improvement of the tract. No. 134.

Refuse to lease such areas as may be needed by the Department. No. 135.

Lease, upon reasonable terms, for a period of not exceeding ten years, sites in State Forests, for church, school, health, recreational, or other purposes; all receipts therefrom being paid into the State treasury, to form a part of "The State School Fund of Pennsylvania." Nos. 57; 58; 52 (a); 52 (b).

Set aside within the State Forests unusual or historical groves of trees or natural features especially worthy of permanent preservation, in order to make them accessible and convenient for public use and to dedicate them in perpetuity to the people of the State for their recreation and enjoyment. No. 11 (g).

Give consent to location of State Game Preserves upon State Forests, under terms of agreement with the Board of Game Commissioners; which Preserves are thereafter subject to regulations established by the said board under the agreement. (*See volume of 1915 Session Laws, act 65, secs. 1-9.*)

Grant rights of way as follows:

To duly incorporated street railway companies, upon such terms and subject to such restrictions and regulations as they may deem proper, the privilege to construct, maintain, and operate their lines of railway, over, along, and upon public highways, in actual use, which lie within or bordering upon State Forests, whenever, in their judgment, the Forests will be benefited thereby. No. 23.

To individuals or corporations who may apply therefor, through State Forests, when, in the judgment of the Department, it will not interfere with the orderly administration of the Forests, and will promote the interests of the State or its citizens; the term, "right of way," being construed "to include a passage, haulage, flowage, or transmission for any lawful purpose." Nos. 126-128.

Make certified returns to the State Treasurer, and to the townships, school districts, and counties which contain State Forests, as to amounts of fixed charges, in lieu of taxes due thereon, annually for the benefit of roads (No. 27); schools (No. 42); and counties (No. 137).

Turn into the State treasury all fines received for violation of provisions of L. 1911, p. 163, for the protection of State Forests. No. 46.



Give municipalities, upon such terms and subject to such restrictions and regulations as may be necessary, the privilege of impounding water upon the State Forests, and of constructing, maintaining and operating lines of pipe upon and through said Forests, for the purpose of conveying water therefrom, whenever, in the judgment of said officers, it may be in the interest of the public to do so (No. 28); all receipts and proceeds, if any, from such privileges being paid into the State treasury to form a part of the State School Fund of Pennsylvania. Nos. 52 (a); 52 (b).

Establish and conduct a training school to prepare Forest Wardens for the proper use of the State Forests. No. 25.

#### Local Officers and Employees.<sup>6</sup>

Arrest, without warrant, violators of laws and regulations for the protection of State Forests and of fish and game therein, and take the offenders before a justice of the peace, or other magistrate, for proper action; the exercise of such powers being limited to State Forests and lands adjacent thereto. No. 22.

#### Department of State Police.

Is required to aid in the enforcement of all laws relating to forestry, game, fish, and water supply (No. 138); and may with the approval of the Governor, be called upon, by any other department of the State, to enforce all laws or regulations applicable thereto. No. 138(a).

#### AUXILIARY STATE FORESTS. (*Auxiliary Forest Reserves.*) Purpose.

NOTE.—The legislation creative of these so-called "Auxiliary Forest Reserves" is of such a dual character as to make a clean-cut separation of the Public Forest and Taxation aspects of it impossible. The primary aim, however, was, undoubtedly, to offer a tax concession to whoever would devote land to forest production. The detailed synopsis concerning it will, therefore, be found under "Taxation." (See p. 19.)

#### Status.

The reserves are composed of privately owned lands devoted exclusively to the growing of merchantable forest trees, subject to public forest regulation. Nos. 67; 69; 71.

#### Public Control Imposed by the State.

By requiring the owner:

To make the application, for classification of the lands, to the Commission, and in the form prescribed by it. No. 68.

<sup>6</sup> The wording of the text upon which this synopsis-statement is based, which reads: "That the persons employed, under existing laws, by the Commissioner of Forestry, for the protection of State Forestry Reservations," etc., and "Such officers shall," etc., (see No. 22), appears to include all who are either appointed or employed by the Commissioner for that purpose.

To execute a written agreement to care for the trees, until mature, in accordance with instructions from the Commission; and, when necessary, to give bond, upon request from the Commission at the time the lands are classified, guaranteeing good faith throughout the transaction—involving compliance with instructions concerning removal and marketing of the trees and reforesting the lands, under approval of the Commission. Nos. 69; 71.

To cut and remove, under instructions of the Commission, only such timber as it may designate as suitable. No. 70.

To give bond, in advance of cutting, in 20 per cent of the amount of the estimated value of the timber to be cut, conditioned to pay 10 per cent of the value of the trees, within 90 days after harvesting them. No. 61.

To make sworn return, as to the value of the trees harvested, to the County Commissioners, County Treasurer, and the Commission, immediately after harvesting the same. No. 61.

To follow the cutting and removal of the timber, immediately, with reforestation of the lands. No. 71.

#### Concessions Granted by the State.

Are as follows:

Conferring of a quasi-public character upon the lands by specifically designating them Auxiliary Forest Reserves. No. 67.

Reduction in the assessed valuation of the lands for the Annual, or General Property, Tax (No. 59); and payment by the State of a fixed annual charge upon the lands for the benefit of schools and roads located within such school and road districts as contain any lands so classified. Nos. 65; 66.

Valuation and taxation of the timber separately from the lands; and postponement of the tax on the timber until the trees are mature. Nos. 61; 62; 70.

#### MUNICIPAL FORESTS.

##### Purpose.

Are established mainly for the purpose of producing a continuous municipal, or borough, revenue through the sale of forest products therefrom; and also for the protection of water supplies, promotion of healthful conditions, and use by the people as general outing and recreation grounds. Nos. 32; 36; 83 (e); 83 (g).

##### Acquirement of Lands.

Townships of the first-class, cities, and boroughs may acquire, for such purposes, by purchase, gift, or lease,



lands having tree-growth, or which are suitable therefor, after having secured approval by the Commissioner of Forestry of the area and location of the tracts, and having given, through publication of an ordinance, due notice of intention to acquire the lands. Nos. 32; 33; 83 (a); 83 (b); 83 (c).

The funds required for the acquirement of such tracts are derived from the usual sources in the case of expenditures for municipal, or borough, purposes, including, if necessary, a bond issue. Nos. 33; 83 (d).

#### Administration.

Are administered by the proper municipal, or borough, officers, under the direction of the Commissioner of Forestry, in accordance with the principles and practice of scientific forestry, for the benefit of the municipalities, or boroughs; the Commissioner being required to make the necessary rules therefor; which rules must have for their main purpose the production of a continuous revenue through the sale of forest products. Nos. 32; 34; 36; 83 (a); 83 (e).

The funds required for the administration, maintenance, protection, and development of the Forests are derived from the usual sources in the case of expenditures for municipal, or borough, purposes, and are applied in the usual manner. Nos. 35; 83 (f).

#### Disposition of Proceeds.

All proceeds from the Forests are applied to general municipal, or borough, purposes. Nos. 35; 83 (f).

#### Alienation of Lands.

Is made by an ordinance setting forth all the facts in the case, after due advertisement and approval thereof by popular vote. Nos. 37; 83(h).

#### Officers' General Powers and Duties.

##### *Municipal and Borough Officers—*

Take required steps for acquirement of suitable lands; including securing approval by the Commissioner of Forestry of the area and location of the tracts in question. Nos. 32; 33; 83(a); 83(b); 83(c).

Notify the Commissioner of Forestry of acquisition of lands, and, upon receipt from him of rules for their government, publish the same, declare the uses of the Forests, and make required provision for their administration, maintenance, protection, and development; and, thereafter, administer them, under the direction of the Commissioner. Nos. 34; 83(e).

Whenever necessary, take required action to secure the alienation of a Forest, or part thereof. Nos. 37; 83(h).

##### *Commissioner of Forestry—*

Approves area and location of lands prior to their acquirement. Nos. 32; 83(b).

Prescribes rules for the government of the Forests, and directs their administration. Nos. 32; 34; 83(a); 83(e).

### TAXATION.<sup>1</sup>

#### AUXILIARY FOREST RESERVES.

##### **Purpose.**

Are composed of privately owned lands devoted exclusively to the growing of merchantable forest trees (No. 67); the owners of which desire to secure certain concessions in taxation (*see p. 18*) and are, accordingly, willing to subject their lands to public forest regulation (*see p. 18*).

##### **Classification of Lands.**

##### **Requires:**

That application therefor shall be made by the owner to the Commission in the form prescribed by it. No. 68.

That the suitability of the lands shall be determined by the Commission through an examination of the land and report thereon by a duly qualified

person (No. 68); the cost of such examination being defrayed from the moneys appropriated for maintenance of the Department of Forestry. No. 71.

That, in event of the lands being found suitable, the Commission shall so certify to the County Commissioners, who shall, thereupon, place the lands in the class of Auxiliary Forest Reserves; with the proviso that the certificate shall not become operative to so classify the lands until the owner has made a written agreement to care for the trees under direction of the Commission; and it is also provided that, at the time the lands are so classified, the Commission may, in its discretion, require of the owner a bond guaranteeing his good faith throughout the entire transaction. Nos. 68; 69.

NOTE.—Timber lands have been separated from other lands, in making assessment returns of property, since 1883. No. 3.

That lands, while so classified, may be sold or encumbered without prejudice to such classification or obligations thereunder. No. 73.

<sup>1</sup> For the taxation provisions which exempt State Forests from taxation, see Nos. 7; 18, and the corresponding synopsis-statement, on p. 15, under "Status of Lands and of Surface Rights."

That the classification shall continue so long as the owner continues to faithfully carry out the instructions of the Commission respecting the care of the trees, removal and marketing thereof, and reforesting the lands, under the approval of the Commission. Nos. 71; 69.

#### **Removal from Classification.**

Is made only upon request of the owner, or in event of his failure to comply with requirements of the Commission. Nos. 69; 71; 73.

When made prior to maturity of the timber and without payment of the Yield Tax thereon, the County Commissioners, on notice from the Commission, ascertain and certify to the County Treasurer: (a) The amount of taxes which would have been paid by the owner if based on the original assessment of the lands, before the reduction made under the special classification rating, with interest added upon all such payments from the date when such tax payment would have become delinquent; and also (b) the amount of taxes which have actually been paid upon the land, with interest added from the date of payment. The difference between the two amounts is, thereupon, recovered, with costs, from the owners, by the County Treasurer, in the usual manner; the amount recoverable constituting a lien upon the lands until payment is made. Nos. 63; 69.

When made after the due harvesting of a matured crop of trees and payment of the tax thereon, the owner is not liable for such past assessment; but the lands are thereafter, liable to assessment and tax in the same manner as other lands not classed as Auxiliary Forest Reserves. No. 63.

#### **Annual, or General Property, Tax.**

Is assessed upon the basis of the General Property Tax law.<sup>8</sup> Nos. 59; 60.

Is levied upon such assessed valuation, reduced to a sum not to exceed \$1.00 per acre (No. 60); and an additional fixed annual charge on lands so classified is paid by the State in the sum of two cents per acre for schools and two cents per acre for roads, that are located within the several school and road districts which contain Auxiliary Forest Reserve lands; payment, of the proper amounts being made, by the State, to the respective districts upon warrants approved by the Commission. Nos. 65; 66.

*For a similar class of payments on account of State Forests, see Nos. 26; 27; 41; 42; 136; 137.*

<sup>8</sup> Valuable minerals underlying the land may be separately assessed. No. 59.

#### **Yield Tax.**

##### *Harvesting of Timber at Maturity—*

Whenever the trees become suitable for forest products, the Commission, either at the request of the owner, or upon its own initiative, examines the lands and designates the kind and number of trees most suitable to be cut (No. 70); the cost of such examination being defrayed from the moneys appropriated for maintenance of the Department of Forestry. No. 71.

The cutting and removal of the trees so designated is required to be in accordance with instructions of the Commission. No. 70.

##### *Determination of Taxable Values—*

##### **Requires:**

That, in advance of cutting, the owner give bond, conditioned to pay, to the County Treasurer, 10 per cent of the value of the trees, within 90 days after harvesting. No. 61.

That sworn return as to the value of the trees harvested be made by the owner to the County Commissioners, County Treasurer, and the Commission, immediately after harvesting the same. No. 61.

That, in event of dissatisfaction on the part of the County Commissioners with such return, upon their request, a board of three appraisers shall be appointed by the Court of Common Pleas of the county, to determine and report the quantity and value of the trees; which return, subject to right of appeal by either party, shall form the basis of payment. No. 62.

That the compensation and expenses of such appraisers shall be fixed by the court, and paid by the County Commissioners. No. 62.

##### *Payment of the Tax—*

##### **Is secured:**

a. By a bond given, in advance of cutting, by the owner, in 20 per cent of the amount of the estimated value of the timber to be harvested, conditioned to pay 10 per cent of the value of the trees, within 90 days after harvesting them. No. 61.

b. By a lien on the lands. No. 61.

##### *Distribution of the Tax to County and Township Funds—*

Is made, by the Treasurer of each county in which lands so classified are located, pro rata for each of



the purposes named below, based upon the last assessed millage of taxation for such purposes:

*a.* For the county. No. 61.

*b.* For, respectively, the road, school, and poor districts of the respective townships which contain Auxiliary Forest Reserves; the road allotments being spent exclusively on roads passing into the Forests, or which are immediately adjacent thereto, if any roads are so located; otherwise, said allotments are spent for general township road purposes. No. 61.

#### *Exemption from the Tax—*

Is provided in the following cases:

Removal, by the owner, of trees which have been killed by fire, thrown or broken by the wind, or injured by other natural causes. No. 72.

Thinning or clearing out of undesirable species, by the owner, or removal by him of such timber as may be needed for general farm use upon any neighboring cleared lands owned by him. No. 72.

#### **Reforestation of the Lands by the Owner.**

Is required to follow harvesting of the timber, immediately, through either replanting other trees of valuable species, or taking proper care of young growth on the lands, under the approval of the Commission. No. 71.

#### **Public Control Imposed by the State.**

*See Synopsis under this heading, on p. 18.*

#### **Concessions Granted by the State.**

*See Synopsis under this heading, on p. 18.*

#### **Commission's General Powers and Duties.**

Prescribes form of application for classification of lands. No. 68.

Determines suitability of lands described in application; and certifies as to the same, to the County Commissioners. No. 68.

Secures written agreement from owner to care for trees in accordance with instructions and directions from the Commission; and, if necessary, secures, at the time of classification of the lands, a bond from the owner, guaranteeing his good faith throughout the entire transaction. No. 69.

Certifies to the several school and road districts which contain Auxiliary Forest Reserves, and also to the State Treasurer, the number of acres of lands classified therefor, and the charges thereon, and issues warrants for payment of the amounts. No. 66.

Directs thinnings and clearing out undesirable species of trees and removal of trees for use for general farm purposes upon any neighboring cleared lands belonging to the owner. No. 72.

Determines, through an examination of the lands, made either at the request of the owner or upon its own initiative, what mature trees, if any, shall be cut, and designates the ones to be cut and removed; and gives instructions in regard to the removal and marketing of the timber. Nos. 70; 71.

Approves reforesting of the lands by the owner. No. 71.

Removes lands from classification, upon request of the owner, or for failure of the owner to comply with requirements in regard to the care of the trees, or concerning harvesting and marketing the timber, or renewing the tree-growth; and, gives notice of removal to the County Commissioners. Nos. 69; 71.

### **TEXT OF LAWS.<sup>9</sup>**

NOTE.—The abbreviation, "Pur. Dig.," used in this leaflet, has reference to Stewart's Purdon's Digest, 13th ed. (vols. 1-4) and the 1916 supplement thereto (vols. 5-7).

**No. 1.** Whereas, It has been represented that numbers of persons are in the custom of setting fire to the woods for different purposes, thereby producing an extended conflagration, injurious to the soil, destructive to the timber, and the infant improvements within the State; therefore,

\* \* \* \* \*

And be it further enacted by the authority aforesaid, That where any person or persons, so offending as thereby to occasion any loss, damage, or injury to any other person or persons, every such person or persons so offending shall be and hereby are declared liable to make satisfaction for the same, in any action or actions on the case, to be brought by the

<sup>9</sup> The order of arrangement of the laws follows the chronological order in which they were passed.

party or parties grieved, in the court of common pleas of the county in which the offense was committed. [L. 1794 (3 Smith), p. 139, preamble and sec. 2=2 Pur. Dig., p. 1745, sec. 41.]

**No. 2.** Where any party is injured, and shall not demand above fifty dollars for his loss or damage, it shall and may be lawful to and for such person or persons to apply to any justice of the peace of the county where the offense is committed who is hereby empowered and required, by warrant under his hand and seal, to cause the party offending to be brought before him or some other justice of the peace of the same county; and if, upon examination, it shall appear to the justice, by the testimony of one or more credible witness or witnesses, that the defendant is guilty of the charge exhibited against him, then the said justice shall issue his war-

rant to two or more freeholders of the neighborhood, thereby commanding them, in the presence of the defendant, if he will be present, to view the place or thing damaged, or inquire into the loss sustained by the plaintiff, and to certify to the said justice, under their oath or affirmation, what damage, in their judgment, the plaintiff hath sustained by occasion of the premises; and upon the return of such certificate to the said justice, he is hereby empowered to grant execution for the recovery of the said damages, together with the costs of prosecution, as is usual in the recovery of debts under ten pounds: Provided, That if any person or persons shall apprehend him, her or themselves aggrieved by the determination of any justice of the peace, in consequence to this act, he, she or they shall have a right to appeal from the judgment of the said justice to the next court of common pleas of the proper county. [L. 1794 (3 Smith), sec. 3=2 Pur. Dig., p. 1746, sec. 42.]

**No. 2 (a).**

NOTE.—Section 1 of act 1206, L. 1870, as amended by section 1 of act 228, L. 1897, has been placed under the caption, "Group of Acts Constituting Firewarden System Prior to 1915." See No. 152.

**No. 3.** Be it enacted, &c., That it shall be the duty of the several assessors of this Commonwealth, in their return of real estate to the commissioners of the proper county, at the next triennial assessment, and at each triennial assessment thereafter, to make return of all the timber land in their proper district by specifying in separate columns, how many acres each tract contains of cleared land, and how many in timber. [L. 1883, act 100, sec. 1=4 Pur. Dig., p. 4628, sec. 201.]

**No. 4.** Be it enacted, &c., That from and after the first day of January, A. D. one thousand eight hundred and ninety-eight, whenever any unseated lands within this Commonwealth shall, under existing laws, become liable to sale by the respective county treasurers or the county commissioners for nonpayment of taxes, it shall be the duty of such treasurers and commissioners to publish a notice once a week for six successive weeks in at least two newspapers of general circulation within the county in which the lands lie, and if two newspapers be not published in said county, then in one newspaper in or nearest to the same, which notice shall contain the names of the owners when known, the warrant numbers, names of warrantees when known, the number of acres contained in each tract, the township in which the same is located, and the sums due upon each tract for taxes; and further to mail to \* \* \*<sup>10</sup> the Commissioner of Forestry each, ten copies of such printed advertisement immediately upon publication thereof. [L. 1897, act 10, sec. 1=2 Pur. Dig., p. 1742, sec. 16.]

**No. 5.** It shall be the duty of the Commissioner of Forestry to inquire into and examine the location and character of unseated lands advertised by the respective county treasurers and the county commissioners of this Commonwealth for sale for the non-payment of taxes, and if in his judgment the same are so located and are of such a character as to make them desirable for the Commonwealth for the purpose of creating and maintaining a Forestry Reservation, he shall have power, at his discretion, to purchase any such lands for and in behalf of the Commonwealth at such tax sales, subject to the right of redemption under existing laws: Provided however, That the bid made and the price paid for said lands, shall in no case exceed the amount of taxes for the non-payment of which the same are being sold, and the costs. For all purchases so made in behalf of the Common-

wealth, the Auditor General shall draw his warrant upon the State Treasurer to the order of the county treasurer, upon certificate filed by the Commissioner of Forestry with the said Auditor General: Provided further, That the Commissioner of Forestry shall have power to purchase unseated lands other than such as are advertised for sale for the non-payment of taxes, upon such terms and conditions as may be agreed upon with the owners of such lands: Provided, That such purchase shall be approved by the Governor and the Board of Property, consisting of the Attorney General, Secretary of the Commonwealth, and Secretary of Internal Affairs. And provided further, That in no case shall the price paid for such unseated land exceed the assessed value of the same. For all purchases so made in behalf of the Commonwealth the Auditor General shall draw his warrant upon the State Treasurer to the order of the grantor, upon certificate filed by the Commissioner of Forestry, with approval as aforesaid: Provided, That in no case shall the amount paid for any tract of land purchased under the provisions of this act exceed the sum of five<sup>11</sup> dollars per acre. [L. 1897, act 10, sec. 2; L. 1899, act 81, sec. 1=2 Pur. Dig., p. 1743, secs. 17, 18.]

**No. 6.** In the event of redemption of said lands, the redemption money paid shall be remitted to the State Treasurer by the county treasurer with a statement describing the tract of land so redeemed. [L. 1897, act 10, sec. 3=2 Pur. Dig., p. 1743, sec. 19.]

**No. 7.** The title to all lands so purchased, and not redeemed after the expiration of the time limited for the redemption, shall be taken as vested in the Commonwealth to the same extent, and with like effect as though such purchase had been made by an individual at such sale, and the county treasurer shall certify to the \* \* \*<sup>10</sup> [Commissioner of Forestry] lists of all lands purchased in behalf of the Commonwealth and not redeemed within the time limited for such redemption, with a description of each tract as required by section one of this act, and thereafter such lands shall not be subject to further taxation while the same are owned by the Commonwealth. It shall be the duty of the \* \* \*<sup>10</sup> [Commissioner of Forestry] to keep a record in a book, to be especially provided for that purpose, of all the lands so acquired by the Commonwealth, with full description of each tract, the character of the same, the date of purchase, the price paid, when the title became absolute, or if redeemed, the date of redemption. [L. 1897, act 10, sec. 4=2 Pur. Dig., p. 1743, sec. 20.]

**No. 8.** The lands so acquired by the Commonwealth shall be under the control and management of the \* \* \*<sup>10</sup> [Department of Forestry] and shall become part of a forestry reservation system, having in view the preservation of the water supply at the sources of the rivers of the State, and for the protection of the people of the Commonwealth and their property from destructive floods. [L. 1897, act 10, sec. 5=2 Pur. Dig., p. 1742, sec. 21.]

**No. 9.** Be it enacted, &c., That if any person or persons shall be detected by any constable or other peace officer, in the act of trespassing upon any forest or timber land within this Commonwealth, under such circumstances as to warrant the reasonable suspicion that such person or persons have committed, are committing, or are about to commit, some offense or offenses against any of the laws now enacted or hereafter to be enacted for the protection of forests and timberland, such constable or other peace officer shall have

<sup>10</sup> Jurisdiction concerning forestry matters has since been transferred from the Department of Agriculture to the Department of Forestry; hence, this deletion. Nos. 11; 13.

<sup>11</sup> This restriction of purchase price to not exceed five dollars per acre has been rendered inoperative by subsequent legislation, which places the limitation at not to exceed ten dollars per acre. See No. 84.



authority at once, without first procuring a warrant therefor, to arrest on view such person or persons, with like effect as though such warrant had first been procured. [L. 1897, act 25, sec. 1=2 Pur. Dig., p. 1751, sec. 62.] See also Nos. 22; 104.

**No. 9 (a).**

NOTE.—Section 1 of act 228, L. 1897, has been placed under the caption, "Group of Acts Constituting Firewarden System Prior to 1915." See No. 152.

**No. 10.**

NOTE.—Act 14, L. 1899, has been placed under the caption, "Group of Acts Constituting Firewarden System Prior to 1915." See Nos. 153–156.

**No. 11. (a)** Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That there be and is hereby established a Department of Forestry to consist of a Commissioner of Forestry and four other citizens of the Commonwealth, who together shall constitute the State Forest Commission each of whom shall be appointed and commissioned by the Governor by and with the advice and consent of the Senate, for terms of four years each, the present Commissioner of Forestry and members of the State Forestry Reservation Commission to serve for the terms for which they have heretofore been appointed and confirmed and thereafter as new appointments shall be made for the full term of four years each.

(b) The Commissioner of Forestry and the State Forest Commission shall be clothed with all the powers heretofore conferred by law upon the State Forestry Reservation Commission,<sup>12</sup> or which shall hereafter be conferred on the Commissioner of Forestry or the State Forest Commission, with full power by and with the consent of the Governor to acquire by purchase or by condemnation proceedings any suitable lands in any county of the Commonwealth which in the judgment of said Commission the State should possess for the purpose of holding, maintaining, and developing as State Forests, Provided, That the amount expended for the acquisition of lands for State Forest purposes in any biennial appropriation period shall not exceed the appropriation for that purpose for such period.

(c) The Commission shall have full power to manage, control, protect, maintain, utilize, and develop all lands which may be acquired under the provisions of this act, as well as those which have heretofore been purchased and are now owned and maintained as State Forests under existing law, and may in addition to the Bureau of Forest Protection established in the Department of Forestry by Act of June third, one thousand nine hundred fifteen, entitled, "An act to establish a Bureau of Forest Protection within the Department of Forestry, designating the officers who shall constitute the Bureau, their duties and salaries, prescribing penalties for the violation thereof, and repealing all laws, general, special, or local, or any parts thereof that may be inconsistent with or supplied by this act" (Pamphlet Laws, page seven hundred ninety-seven), organize in the Department of Forestry the following Bureaus and Offices: Bureau of Operation, Bureau of Silviculture, Bureau of Lands, Office of Research, Office of Information, Office of Maintenance, and shall assign the powers and duties of the Department of Forestry as now established by this or any other act or hereafter established by law to and divide such duties and powers among the above identified Bureaus and Offices (including the Bureau of Forest Protection) subject, however, always to the complete supervisory control and direction of the State Forest Commission and the Commis-

sioner of Forestry. Providing, however, That the salary of any of the chiefs of bureaus and offices shall not exceed the sum of five thousand dollars per annum.

(d) The State Forest Commission may divide the State into such convenient Forest Districts as it deems economical and effective to administer, protect, develop, and utilize the State Forest lands and resources, to protect all forest land in the State from forest fires, fungi, insects, and other enemies, to promote and develop forestry and knowledge of forestry throughout the State, to advise and assist land owners in the planting of forest and shade trees, to render reports of its conduct of the Department of Forestry, to obtain and publish information respecting forest lands and forestry in the State, to assist in Arbor Day work, and promote and advance any other activity in local forestry which the Department of Forestry may deem helpful to the public interest and to execute the rules and regulations of the State Forest Commission for the protection of forests from fire and depredation, and also may assign District Foresters to take active charge of such Forest Districts and also such Foresters, Forest Rangers, and other help for the administration of such Forest Districts as the Commission may deem necessary for the accomplishment throughout the State of the purposes for which the Department of Forestry is established.

(e) The Commission is also empowered to appoint and assign to selected lines of work Forest Officers to act as Chiefs of the Bureaus (including the Bureau of Forest Protection) and officers also to act as Assistant Chiefs of said Bureaus and Offices whenever and to the extent it may deem such assistant chiefs necessary, and also to act as District Foresters, Foresters, and Forest Rangers, which Forest Officers shall be especially qualified to perform the duties of the Bureaus, Offices, Forest Districts, and other divisions of the work of the Department of Forestry to which they shall be assigned; and it shall also employ and assign to duty such surveyors, draftsmen, stenographers, and other assistants and labor, and such scientific assistants, and other employees as may be necessary and needful for the control, protection, maintenance, utilization, and development of the State Forests to fix their compensation and to establish such rules for the control, management, protection, utilization, and development of the State Forests as in their judgment will conserve the interests of the Commonwealth.

(f) The Commissioner of Forestry, the Deputy Commissioner of Forestry, the Chiefs and Assistant Chiefs of the Bureaus of Operation, Forest Protection, and Silviculture, the Chief and Assistant Chief of the Office of Research, and the District Foresters and Foresters shall be persons educated and trained in Forestry.

(g) Whenever it shall appear that the welfare of the Commonwealth with reference to reforestation and the betterment of the State Forests with respect to control, management, protection, utilization, and development will be advanced by selling or disposing of any of the timber on the State Forests, the Commission is hereby empowered to sell such timber on terms most advantageous to the State. Provided that the State Forest Commission is authorized and directed to set aside within the State Forests unusual or historical groves of trees or natural features especially worthy of permanent preservation to make the same accessible and convenient for public use and to dedicate them in perpetuity to the people of the State for their recreation and enjoyment; and the said Commission is hereby empowered to make and execute contracts or leases in the name of the Commonwealth for the mining or removal of any valuable minerals that may be found in said State Forests whenever it shall appear to the satisfaction of the Commission that it would be for the best interests of the State to make such disposition of said minerals, Provided, The proposed contracts or leases of valuable minerals exceeding three hundred

<sup>12</sup> The powers previously conferred are contained in L. 1897, act 10 (see Nos. 4–8), and L. 1897, act 228 (see No. 152).



dollars in value shall have been advertised once a week for three weeks in at least two newspapers published nearest the locality indicated in advance of said contract or lease. Said contracts or leases may then be awarded to the highest and best bidder who shall give bond for the proper performance of the contract, as the Commission shall designate. And the State Forest Commission is further empowered to provide by rules for any utilization of the land and resources of State Forests compatible with the purposes for which the State Forests are created, namely, to provide a continuous supply of timber, lumber, wood, and other forest products; to protect the water sheds of the rivers and streams of the State; and to furnish opportunities for health and recreation to the general public. [L. 1901, act 9, sec. 1=2 Pur. Dig., p. 1740, sec. 1; \* \* \*; as amended by L. 1921,<sup>13</sup> act 298, sec. 1.]

#### No. 12.

NOTE.—Section 2 of act 9, L. 1901, has been supplied by the act contained in L. 1911, p. 163. See Nos. 43-47.

No. 13. That the Commissioner of Forestry shall be the President and Executive Officer of the Forestry Reservation Commission, and also Superintendent of the State Forestry Reservations, and shall have immediate control and management, under the direction of the Forestry Reservation Commission, of all forest lands already acquired or which may hereafter be acquired by the Commonwealth, but the power so conferred upon said Commissioner of Forestry shall not extend to the enforcement of the laws relating to public health [or the protection of fish and game].<sup>14</sup> It shall be the duty of the Commissioner of Forestry to encourage and promote the development of forestry, and to obtain and publish information respecting the extent and condition of forest lands in the State, and to execute all rules and regulations adopted by the Forestry Reservation Commission for the enforcement of all laws designed for the protection of forests from fire and depredation; and he is hereby empowered to employ such detective service, and such legal or other services, as may be necessary for the protection of the forestry reservations owned by the Commonwealth and for the apprehension and punishment of persons who may violate any of the forestry reservation laws or any of the rules and regulations, which, under the powers herein given, may be adopted by the Forestry Reservation Commission: Provided, That the services so employed and the expenses that may thereby be incurred shall be approved by said Forestry Reservation Commission and the Governor of the Commonwealth. [L. 1901, act 9, sec. 3=2 Pur. Dig., p. 1741, sec. 6.] See also Nos. 152; 157; 158.

No. 14. The Commissioner of Forestry shall receive a salary of eight thousand dollars per annum and the Deputy Commissioner of Forestry shall receive a salary of six thousand dollars per annum, and in addition thereto shall be reimbursed for all necessary expenses of travel which may be incurred in the discharge of the duties of their offices. The other members of the State Forest Commission shall serve without salary but shall be reimbursed for all necessary expenses incurred by them in the performance of the duties of their office. [L. 1901, act 9, sec. 4=2 Pur. Dig., p. 1741, sec. 7; \* \* \*; as am. by L. 1921,<sup>13</sup> act 298, Sec. 2.]

<sup>13</sup> Authenticated copies of the 1921 legislation used in this leaflet were procured informally, from the office of the Commissioner of Forestry, in advance of the official publication of the volume of Session Laws.

<sup>14</sup> The provision which is here enclosed in brackets has been modified by subsequent legislation to the extent of making it the duty of all forestry officers to safeguard, in a reasonable way, the fish and game interests of the State. Nos. 82; 83.

No. 15. The Commissioner of Forestry shall have an office at the State Capitol, and it shall be the duty of the Board of Commissioners of Public Grounds and Buildings to provide, from time to time, the necessary rooms, furniture, apparatus and supplies, for the use of the Department of Forestry created under the provisions of this act. [L. 1901, act 9, sec. 5=2 Pur. Dig., p. 1741, sec. 8.]

#### No. 16.

NOTE.—Section 6 of act 9, L. 1901, is omitted on account of its being obsolete.

#### No. 17.

NOTE.—While there has been no specific repeal of the provisions in section 7 of act 9, L. 1901, the effect of the present procedure—which makes specific appropriations for the purposes covered by said section, and also makes available therefor all receipts from the sale of State forest land (see No. 151 (c))—has been to render the provisions of said section 7 inoperative.<sup>16</sup>

No. 18. The title of all lands acquired by the Commonwealth for forestry reservations shall be taken in the name of the Commonwealth and shall be held by the Commissioner of Forestry, and such lands shall not be subject to warrant, survey or patent, under the laws of the Commonwealth authorizing the conveyance of vacant or unappropriated lands, and all such forestry reservation lands shall be exempt from taxation from the time of their acquisition.<sup>17</sup> [L. 1901, act 9, sec. 8=2 Pur. Dig., p. 1741, sec. 11.]

No. 19. The Commissioner of Forestry shall receive the moneys to which the State may be entitled by virtue of the sale of any timber, or by virtue of any leases or contracts relating to the disposition of minerals, as hereinbefore provided, and he shall immediately pay the same over to the State Treasurer as a part of the revenue of the Commonwealth. The said Commissioner of Forestry shall give his bond to the Commonwealth, with two sureties, to be approved by the Governor, in the sum of ten thousand dollars, for the faithful discharge of the duties imposed by this act and for the proper accounting of any moneys to the Commonwealth that may come into his hands by virtue of his position as Commissioner of Forestry. [L. 1901, act 9, sec. 9=2 Pur. Dig., p. 1742, sec. 12.] See also Nos. 52(a); 52(b).

No. 19 (a). That an act entitled, "An act to limit the amount of money expended each year by the State Forestry Reservation Commission in the purchase of lands for the

<sup>16</sup> Said section 7 reads as follows:

The purchase money for lands acquired and all expenses that may be incurred, except the salaries of the Commissioner of Forestry and his clerk, shall be paid by the State Treasurer out of any moneys in the Treasury not otherwise appropriated, on warrant of the Auditor General, upon vouchers duly approved by resolution of the Forestry Reservation Commission and the Governor of the Commonwealth. [L. 1901, act 9, sec. 7=2 Pur. Dig., p. 1741, sec. 10.]

<sup>17</sup> An opinion rendered by the Assistant Deputy Attorney General for Pennsylvania, April 10, 1913 (see *Pittsburg Legal Journal*, vol. 61, p. 319), holds that the remaining provisions of this section (sec. 8, act 9, L. 1901) were repealed by L. 1905, act 81. The said provisions read as follows:

In all cases where lands have been purchased, or may hereafter be purchased, by the Forestry Reservation Commission for forest reservations, where there are public roads, regularly established, running into or through said land, the Commissioner of Forestry, under such rules and regulations as the Forestry Reservation Commission is hereby authorized to adopt, may expend a sum not exceeding twenty-five dollars per mile in each year for the maintenance, repair or extension of any such roads, and on roads bordering on reservations one-half of this rate per mile may be expended. All expenses that may thus be incurred shall be subject to the approval of the Forestry Reservation Commission and the Governor of the Commonwealth, and shall be paid in the same manner as other expenses are provided for in this act. [L. 1901, act 9, sec. 8=2 Pur. Dig., p. 1743, sec. 20.]



commonwealth" approved April fifteen, one thousand nine hundred and three (Pamphlet Laws, page two hundred and one), and also an act entitled, "A Supplement to an Act entitled 'An Act to establish a Department of Forestry, to provide for its proper administration, to regulate the acquisition of land for the Commonwealth, and to provide for the control, protection, and maintenance of forest reserves by the Department of Forestry' approved the twenty-fifth day of February. Anno Domini, one thousand nine hundred and one (Pamphlet Laws, page eleven), authorizing the Department of Forestry to designate certain of the foresters within its employ to act as District Foresters in the performance of general forest work other than within the State Forests" approved July twenty-first, one thousand nine hundred thirteen (Pamphlet Laws page hundred sixty-four) be and the same are hereby repealed. All other acts or parts of acts inconsistent herewith or supplied by this act are hereby repealed. [L. 1901, act 9, sec. 10=2 Pur. Dig., p. 1742, sec. 13; as amended by L. 1921,<sup>13</sup> act 298, sec. 3.]

#### Nos. 20 and 21.

NOTE.—Act 86, L. 1901, has been placed under the caption, "Group of Acts Constituting Firewarden System Prior to 1915." See Nos. 157, 158.

**No. 22.** Be it enacted, &c., That the persons employed, under existing laws, by the Commissioner of Forestry, for the protection of State Forestry Reservations, shall, after taking the proper official oath before the clerk of the court of quarter sessions of any county of the Commonwealth, be vested with the same powers as are by existing laws conferred upon constables and other peace officers; to arrest on view, without first procuring a warrant therefor, persons detected by them in the act of trespassing upon any forest or timberland within this Commonwealth, under such circumstances as to warrant the reasonable suspicion that such person or persons have committed, are committing, or are about to commit, some offense or offenses against any of the laws now enacted or hereafter to be enacted for the protection of forests and timberlands. Such officers shall likewise be vested with similar powers of arrest, in the case of offenses against the laws or the rules and regulations enacted or to be enacted for the protection of the State Forestry Reservation, or for the protection of the fish and game contained therein: Provided, That the above mentioned rules and regulations shall have been previously conspicuously posted upon the reservation. Said officers shall further be empowered, and it shall be their duty, immediately upon any such arrest, to take and convey the offender or offenders before a justice of the peace or other magistrate having jurisdiction, for hearing and trial, or other due process of law: Provided further, That this act shall extend only to the case of offenses committed upon said Forestry Reservations and lands adjacent thereto; and the powers herein conferred upon said officers shall not be exercised beyond the limits thereof, except where necessary for the purpose of pursuing and arresting such offenders, or of conveying them into the proper legal custody, for punishment, as aforesaid. [L. 1903, act 29, sec. 1=2 Pur. Dig., p. 1742, sec. 14.] See also Nos. 9; 104; 82; 83.

**No. 22 (a).** Be it enacted, etc., That on and after the passage of this act, the Governor be and he is hereby authorized to appoint a deputy Commissioner of Forestry \* \* \*. [L. 1903, act 59, sec. 1=2 Pur. Dig., p. 1740, sec. 2.] See also No. 14.

**No. 23.** Be it enacted, &c., That the Commissioner of Forestry and the Forestry Reservation Commission are hereby authorized and empowered to give to street railway companies, duly incorporated under the laws of this Commonwealth, upon such terms and subject to such restrictions and regulations as said Commissioner and Commission may deem

proper, the privilege to construct, maintain and operate their lines of railway over, along and upon public highways now laid out and in actual use, which lie within or border on any forest reservations now owned or hereafter to be acquired by the Commonwealth, whenever in the judgment of the said Commissioner and Commission the interests of the Commonwealth in the said reservations shall be benefited thereby. [L. 1903, act 144, sec. 1=2 Pur. Dig., p. 1752, sec. 68.]

#### No. 24.

NOTE.—The text of No. 24 has been deleted in consequence of the repeal of the act therein referred to (L. 1903, p. 201) by L. 1921, act 298, sec. 3. See No. 19 (a).

**No. 25.** Be it enacted, &c., That the Commissioner of Forestry is hereby directed, under the advice of the State Forestry Reservation Commission, to purchase suitable buildings and land adjacent to the Mont Alto State Forestry Reservation or to erect buildings on said Reservation, at a cost not to exceed six thousand dollars, and to establish and provide therein and on said Reservation practical instruction in forestry, to prepare forest wardens for the proper care of the State Forestry Reservation lands; [the said instruction not to cost a sum exceeding ten thousand dollars, for the two fiscal years ending June first, one thousand nine hundred and five; and the sum of sixteen thousand dollars, or so much thereof as may be necessary, is hereby appropriated, out of moneys not otherwise appropriated, for said purposes; to be paid by warrant drawn by the Auditor General upon resolution of the State Forestry Reservation Commission].<sup>19</sup> [L. 1903, act 295, sec. 1=2 Pur. Dig., p. 1752, sec. 69.]

**No. 26.** Whereas, The Commonwealth of Pennsylvania is acquiring large tracts of lands, in its several counties, for the purpose of establishing forest reservations; and

Whereas, The purchasing of said lands by the Commonwealth makes said lands exempt from taxation; and

Whereas, Because of said exemption from taxation, districts in the several counties lose the revenue secured from said prior taxation, and works a hardship upon the citizens thereof, by compelling them to make up the loss on [school and]<sup>20</sup> road-taxes thus brought about:

Be it enacted, &c., That from and after the passage of this act, all lands acquired by the Commonwealth for forest reserves, and now exempt from taxation, shall be subject to an annual charge of [three cents per acre, for the benefit of the schools in the respective districts in which said reserve or reserves are located, and]<sup>20</sup> two cents per acre, for the benefit of the roads in the townships where said reserve or reserves are located. [L. 1905, act 81, preamble and sec. 1=5 Pur. Dig., p. 6258, sec. 186.] See also Nos. 41; 42; 65; 66; 136; 137.

**No. 27.** The Commissioner of Forestry shall certify to the respective [school districts and]<sup>20</sup> townships, throughout the Commonwealth, in which forest reserves are located, the number of acres owned by the Commonwealth in each [district or] township, upon application of the [treasurer or] road supervisors of any of the said [districts or] townships, and the charge against the same; and shall, furthermore, certify to the State Treasurer the number of acres, as aforesaid, and the charge against the same and in favor of the respective [districts and] townships. The State Treasurer shall, upon the approval of the proper warrants of the Commissioner of Forestry, pay to the several [school-

<sup>19</sup> The concluding portion of this text, which is here enclosed in [ ], is obsolete.

<sup>20</sup> The portions of this act (L. 1905, act 81) which are here enclosed in [ ] contain provisions concerning the charges for the benefit of schools, which provisions have been repealed by L. 1909, act 556. (See Nos. 41; 42.)



districts and] townships the amounts due the same from the Commonwealth, and derived under this act, upon due application therefor made by the [treasurers or] road supervisors of the said [districts and] townships. [L. 1905, act 81, sec. 2=5 Pur. Dig., p. 6258, sec. 187.] *See also Nos. 41; 42; 65; 66; 186; 187.*

**No. 28.** Be it enacted, &c., That the Commissioner of Forestry and the Forestry Reservation Commission are hereby authorized and empowered to give to boroughs and other municipalities of this Commonwealth, upon such terms and subject to such restrictions and regulations as said Commissioner and Commission may deem proper, the privilege of impounding water upon any Forest Reservations, now owned or hereafter to be acquired by the Commonwealth, and of constructing, maintaining and operating lines of pipes upon and through said reservations, for the purpose of conveying water therefrom, whenever in the judgment of the said Commissioner and Commission it shall be to the public interest so to do. [L. 1905, act 114, sec. 1=5 Pur. Dig., p. 6234, sec. 1.] *See also Nos. 52 (a); 52 (b).*

**No. 29.** Be it enacted, &c., That fallows, stumps, logs, brush, dry grass, fallen timber, or tree-tops shall not be burned in any forest lands of this Commonwealth, in which there are producing oil-wells or gas-wells, or rigs erected for drilling such wells, from the first day of April in each year to the twentieth day of May next ensuing, nor from the tenth day of September in each year to the tenth day of November, next ensuing. Excepting during the periods aforesaid, fires may be set in such lands upon the following conditions: First, that written permission thereto, of the firewarden of the proper township, shall first be obtained; second, said firewarden shall be personally present when such fire is started; third, such fire shall not be started during a strong wind, nor without sufficient help to control the same at all times; fourth, such fire shall be watched and guarded, by the person by whom it is started, until it is extinguished. No fires shall be set, or allowed to burn, in said lands, excepting upon compliance with the conditions aforesaid. Any person violating any provisions of this section shall be deemed guilty of a misdemeanor; and, upon being convicted thereof before any alderman or magistrate, shall be fined by the said alderman or magistrate,—for the first offense, in the sum not less than ten dollars or more than twenty dollars, and for the second, and every subsequent offense, in a sum not less than twenty nor exceeding one hundred dollars, to be paid to the county wherein such offense may be committed; and if said fine or penalty and the costs of the proceedings be not paid, then said alderman or magistrate shall commit said offender to the county jail, there to remain until discharged by due course of law: Provided, That when the fine imposed exceeds the sum of twenty dollars, the party complained against may appeal from the decision of said alderman or magistrate to the court of quarter sessions, upon his entering bail, in the nature of a recognizance, in the usual manner, for his appearance at said court, where the offense shall be prosecuted in the same manner as is now directed by law in other cases of misdemeanor. [L. 1907, act 334, sec. 1=5 Pur. Dig., p. 6245, sec. 92.]

**No. 30.** Any owner or lessee of any forest lands, or owner of trees growing upon said lands, or any person in charge of the premises upon which lands there are producing oil-wells or gas-wells, or rigs erected for drilling such wells, shall, at least once in each year, cause to be moved from said lands all brush, tree-tops and branches of trees, which such owner, lessee, or other person in charge of the premises, may have cut or felled thereon, within one hundred feet, respectively, of all such wells or rigs; and shall, at least once in the year, cause to be removed from said land all grass, brush, tree-

tops, and branches of trees, and other inflammable material, within one hundred feet of the right of way of any railroad company operating thereon; to the end that during the spring and autumn season, as defined in the first section of this act, the said area shall be free and clear of such inflammable material. In case any person, partnership, or corporation shall neglect to perform the duty imposed by this section, the same shall be liable to a penalty of fifty dollars for failure, in any instance, to comply with the duty imposed by this section; to be paid to the county where the offense may be committed, recoverable in an action of assumpsit, in which the county wherein such violation occurs shall be the plaintiff. [L. 1907, act 334, sec. 2=5 Pur. Dig., p. 6245, sec. 93.]

**No. 31.** Every railroad company shall, on such part of its road as passes through forest land on which there are producing oil-wells or gas-wells, or rigs erected for drilling such wells, cut and remove from its right of way through said lands, at least once a year, all grass, brush and other inflammable materials; employing, in the seasons defined in the first section of this act, sufficient trackmen to promptly put out fires on its right of way; provide locomotives thereon with steel netting or iron wire on the smokestacks, or other efficient spark arresters, to prevent the escape of fire or sparks, and adequate devices to prevent the escape of fire from ash pans and furnaces, and the same shall be used by every engineer and fireman on such part of its road. No railroad company, or employe thereof, shall deposit fire, coals, or ashes on its track or right of way near such lands. In case of fire on its own or neighboring lands, within one hundred feet of its tracks, the railroad company shall use all practicable means to put it out. In case of any violation of the provisions of this section, such railroad company shall be answerable to the owner or owners of any property destroyed or injured by fire in consequence of such violation; and said company shall further be liable to a penalty of one hundred dollars for such violation, to be paid to the county wherein the violation may occur, recoverable in an action of assumpsit in which the county wherein such violation occurs shall be the plaintiff. [L. 1907, act 334, sec. 3=5 Pur. Dig., p. 6245, sec. 94.]

**No. 32.** Whereas, It has been demonstrated by time and experience in the countries of continental Europe that properly managed municipal forests have proved to be important sources of municipal revenue, tending greatly to reduce the burden of municipal taxation; and

Whereas, many of the townships, and cities of this Commonwealth are so located that it would be proper and expedient for them to possess tracts of land to be used for the purposes of municipal forests, in many instances conserving and protecting the water supply and promoting the healthfulness of said municipality, and capable, as well, of yielding revenue applicable to the purposes of such municipalities: therefore:—

Be it enacted, &c., That all townships of the first class, and cities of this Commonwealth are hereby empowered to acquire, by purchase, gift, or lease, and hold as the property of the municipality, tracts of lands at present covered with forest or tree growth, or suitable for the growth of trees, and to administer the same, under the direction of the Commissioner of Forestry of the Commonwealth of Pennsylvania, in accordance with the practices and principles of scientific forestry, for the benefit and advantage of the said municipalities. Such tracts may be of any size suitable for the purpose, and may be located either within, adjacent to, or at a distance from the corporate limits of the municipality purchasing the same: Provided, That it shall be requisite for the commissioners, or mayor of any municipality, availing itself of the provisions of this act, to submit to the Commissioner of Forestry, and secure his approval of, the area and location of any lands



proposed to be acquired for the purposes of municipal forests, previous to the passage of the ordinance provided for in section two. [L. 1909, act 79, preamble and sec. 1=6 Pur. Dig., p. 6757, secs. 207; 208; as am. by L. 1915, act 192, ch. XIII, art. I, sec. 1 (c)<sup>21</sup>, pp. 446, 459=5 Pur. Dig., p. 5452 (C), p. 5460.] *See also Nos. 83 (a)-(h).*

**No. 33.** Whenever the township commissioners of any township of the first class, or the councils [council] of any city, shall deem it expedient for the municipality to acquire any such lands for the purposes of a municipal forest, they shall so declare in an ordinance, wherein shall be set forth all facts and conditions relating to the proposed action; which said proposed ordinance prior to its passage shall be duly advertised once a week for three weeks and after its passage and approval in accordance with existing law. All money necessary for the purchase of such tracts shall be appropriated in like manner as is now done, under existing law, for municipal purposes; and such funds may be provided out of current revenue, or by the proceeds of a sale of bonds, in accordance with existing law. [L. 1909, act 79, sec. 2=6 Pur. Dig., p. 6757, sec. 209; as am. by L. 1915, act 192, ch. XIII, art. I, sec. 1 (c)<sup>21</sup>, pp. 446, 459=5 Pur. Dig., p. 5452 (C), p. 5460.] *See also Nos. 83(a)-(h).*

**No. 34.** Upon the acquisition of any municipal forests or of lands suitable for such, under this act, the proper authorities shall notify the Commissioner of Forestry, who shall make such rules for the government and proper administration of the same as may be necessary. The municipal authorities shall thereupon publish such rules, declare the uses of the forests in accord with the true intent of this act, and make such provision for its administration, maintenance, protection, and development as shall be necessary or expedient. [L. 1909, act 79, sec. 3=6 Pur. Dig., p. 6757, sec. 210.] *See also No. 83 (a)-(h).*

**No. 35.** All moneys necessary to be expended, from time to time, for the administration, maintenance, protection, and development of said forest, shall be appropriated and applied as is now done, under existing law, for municipal purposes; and all revenue and emoluments arising from said forest shall be paid into the municipal treasury, to be used for general municipal purposes. [L. 1909, act 79, sec. 4=6 Pur. Dig., p. 6757, sec. 211.] *See also No. 83(a)-(h).*

**No. 36.** The municipal forest may be used by the people for general outing or recreation grounds, subject to the rules governing its administration for the purpose of a municipal forest, in which the major idea shall be the sale of forest products for producing a continuing municipal revenue. [L. 1909, act 79, sec. 5=6 Pur. Dig., p. 6757, sec. 212.] *See also No. 83 (a)-(h).*

**No. 37.** The alienation of a municipal forest, or any part thereof, shall be made only in the manner prescribed herein for the purchase of the same; to wit, by ordinance duly advertised before and after passage, but such ordinance shall not be effective in legalizing such alienation until after it shall have been approved by a majority vote of the people at the next ensuing election. [L. 1909, act 79, sec. 6=6 Pur. Dig., p. 6757, sec. 213.] *See also No. 83 (a)-(h).*

**No. 38.** Be it enacted, &c., That whenever an application shall be made to the Secretary of Internal Affairs for any vacant or unappropriated land, of any kind or description whatsoever, \* \* \* [and he shall have determined by in-

vestigation, and survey if necessary, that the land is vacant and unappropriated,] it shall be the duty of the Secretary of Internal Affairs to submit to the State Forestry Reservation Commission a copy of the application made for said vacant or unappropriated land, together with a description thereof as ascertained through said investigation and survey; whereupon it shall be the duty of the said State Forestry Reservation Commission to determine whether it is desirable or practicable that such vacant or unappropriated land should be acquired for forest culture or forest reservation; and said State Forestry Reservation Commission shall, within the period of two months, make report to the Secretary of Internal Affairs as to the desirability or practicability of securing such vacant or unappropriated land for forest culture or forest reservation; and if in said report a request shall be made for the conveyance of such vacant or unappropriated land to the State Forestry Reservation Commission, it shall be the duty of the Secretary of Internal Affairs to grant a warrant and patent, according to the usual custom of the Land Office Bureau, conveying such vacant or unappropriated land to the State Forestry Commission, without the payment of any purchase money, interest, or fees. [L. 1909, act 231,<sup>22</sup> sec. 1=5 Pur. Dig., p. 6241, sec. 58.]

**No. 39.** That whenever the State Forestry Reservation Commission shall apply for vacant or unappropriated land for forest culture or forest reservation, the Secretary of Internal Affairs is hereby authorized to grant title to such applied for lands in the manner provided by law, without the payment of purchase money, interest, or fees. [L. 1909, act 231, sec. 4=5 Pur. Dig., p. 6241, sec. 61.]

**No. 40.**

NOTE.—Section 7 of act 231, L. 1909, contains the repealing clause.<sup>23</sup>

**No. 41.** Whereas, The Commonwealth of Pennsylvania is acquiring large tracts of land in its several counties, for the purpose of establishing forest reserves, which lands are exempt from taxation; and

Whereas, Because of such exemption, the several school districts within which said reserves are located lose the revenue secured from prior taxation, thus working a hardship upon the citizens of said districts; therefore,

Be it enacted, &c., That from and after the passage of this act, all lands now acquired or hereafter to be acquired by the Commonwealth for forest reserves, and which by existing law are now exempt from taxation, shall be subject to an annual charge of two cents per acre for the benefit of the schools in the respective districts in which said reserves are located: Provided, That no school district shall be entitled to receive any sum of money from the State, under this act, unless said school district shall levy and collect a tax, for the support of its schools, of not less than four mills on the dollar of the assessed valuation of property

<sup>22</sup> These excerpts from section 1 of act 231, L. 1909, and the portion of said section which is here paraphrased, together with sections 4 and 7 (*see Nos. 39; 40*), are the only portions of the act which are relevant to the purposes of this compilation. The remainder of the act is, accordingly, omitted.

<sup>23</sup> Section 7 reads as follows:

The act of Assembly, entitled "An act relating to the granting of titles by the Commonwealth to vacant or unappropriated land, the price to be paid for the same, the conveyance to the State Forestry Reservation Commission where desirable for forest culture or forest preservation, and preventing the granting of warrants for the beds of navigable rivers," approved the twenty-eighth day of March, Anno Domini one thousand nine hundred and five, is hereby repealed; and all other acts, or parts of acts inconsistent with the provisions of this act, are also hereby repealed. [L. 1909, act 231, sec. 7=5 Pur. Dig., p. 6241, sec. 64.]

<sup>21</sup> This subdivision (c) of the 1915 General Borough Act repealed in express terms all provisions in the 1909 General Borough Act which related to boroughs. Consequently, all references to boroughs are here omitted in the sections contained in Nos. 32; 33.



in said school district. [L. 1909, act 556, preamble and sec. 1=5 Pur. Dig., p. 6257, sec. 183.] *See also Nos. 26; 27; 65; 66; 136; 137.*

**No. 42.** The Commissioner of Forestry shall certify to the respective school districts throughout the Commonwealth in which forest reserves are located, and to the State Treasurer, the number of acres owned by the Commonwealth therein, for forest reserve purposes, and the amount of the charge in favor of each district. The Commissioner of Forestry shall draw his warrant in favor of the treasurer of each of said school districts, which said warrants, after the approval and counter signature of the Auditor General of the Commonwealth, shall be paid by the State Treasurer to the respective school districts in whose favor the same may be so drawn; \* \* \*.<sup>24</sup> [L. 1909, act 556, sec. 2=5 Pur. Dig., p. 6257, sec. 184.] *See also Nos. 26; 27; 65; 66; 136; 137.*

**No. 43.** Be it enacted, &c., That if any person shall wilfully, negligently or maliciously kindle a fire upon or within any of the forest reserves of this Commonwealth, cause a fire to burn thereon except in accord with such rules as may be prescribed by the Department of Forestry; or shall wilfully, negligently or maliciously set fire upon adjacent lands, which fire shall be communicated to the State Forest Reserves; such person shall be guilty of a misdemeanor, and upon conviction thereof be subject to a fine not exceeding one thousand dollars for each offense, or imprisonment not exceeding six months, either or both, at the discretion of the court, together with costs of suit. [L. 1911, p. 163, sec. 1=5 Pur. Dig., p. 6252, sec. 148.]

**No. 44.** If any person, without the consent of the Commonwealth or any of her agents, shall wilfully, negligently or maliciously cut bark from, or cut down, injure, destroy or remove, a tree or trees on any forest reserve of this Commonwealth, or shall wilfully, negligently or maliciously do or cause to be done any other act to the damage of said reserve, or the trees growing therein, such person shall be guilty of a misdemeanor, and upon conviction thereof shall be subject to a fine not exceeding five hundred dollars for each offense, or imprisonment not exceeding three months, either or both, at the discretion of the court, with costs of suit. [L. 1911, p. 163, sec. 2=5 Pur. Dig., p. 6252, sec. 149.]

**No. 45.** If any person shall wilfully, negligently or maliciously violate any of the rules made for the government of the State Forest Reserves, or shall cut, tear down, deface, or otherwise mutilate, injure or destroy, any of the copies of the rules or other notices relating to forest administration, which may be posted therein by the Department of Forestry or any of its officers or agents, such person shall be guilty of a misdemeanor, and upon conviction thereof shall be subject to a fine not exceeding one hundred dollars for each offense, or imprisonment not exceeding thirty days, either or both, at the discretion of the court, with costs of suit: Provided, That no conviction shall be had for any act committed in violation of this section unless it shall affirmatively appear that copies of such rules or notices were prominently posted in, upon or about said Forest Reserves. [L. 1911, p. 163, sec. 3=5 Pur. Dig., p. 6253, sec. 150.]

**No. 46.** All fines collected for the violation of any of the provisions of this act shall be paid to the Commissioner of Forestry, who shall pay the same to the State Treasurer, for the use of the Commonwealth. [L. 1911, p. 163, sec. 4=5 Pur. Dig., p. 6253, sec. 151.]

<sup>24</sup> The portion of this section which is here omitted provided an appropriation for the purposes of the act during the two fiscal years following.

**No. 47.** The term "person" as used in this act, shall include not only individuals, or natural persons, but, as well, artificial persons, existing only in contemplation of law; and shall be construed to mean partnerships, limited partnerships, joint-stock companies, and corporations, and the officers, agents and employes of the same. [L. 1911, p. 163, sec. 5=5 Pur. Dig., p. 6253, sec. 152.]

**No. 48.** Be it enacted, &c., That the United States of America is hereby empowered to acquire by purchase, or by making adequate compensation under condemnation proceedings, such lands in Pennsylvania as in the opinion of the Federal Government may be needed for the establishment of National Forest Reserves in this State, in accordance with an act of Congress, entitled "An act to enable any State to cooperate with any other State or States, or with the United States, for the protection of the watersheds of navigable streams, and to appoint a commission for the acquisition of lands for the purpose of conserving the navigability of navigable rivers," approved the first day of March, one thousand nine hundred and eleven: Provided, That the approval of the State Forestry Reservation Commission and the Water Supply Commission shall be first had and obtained. Provided further, That the Commonwealth of Pennsylvania shall retain a concurrent jurisdiction with the United States in and over such lands, so far that civil process, in all cases, and such criminal process as may issue under the authority of the Commonwealth of Pennsylvania against any person charged with the commission of any crime, without or within said jurisdiction, may be executed thereon in like manner as if this act had not been passed. [L. 1911, p. 271, sec. 1=5 Pur. Dig., p. 6253, sec. 154: as amended by L. 1921,<sup>25</sup> act 129, sec. 1.]

**No. 49.** That the said United States of America is hereby empowered to pass such laws as it may deem necessary to the acquisition of land in Pennsylvania, as hereinbefore provided, and for incorporation of such land into said National Forest Reserves, as in the opinion of the Federal Government may be needed for this purpose. [L. 1911, p. 271, sec. 2=5 Pur. Dig., p. 6253, sec. 155.]

**No. 50.** That the said United States of America is hereby empowered to pass such laws, and to make or provide for the making of such rules, of both a civil and criminal nature, and provide punishment for the violation thereof, as in its judgment may be necessary for the management, control, and protection of such lands acquired from time to time by the United States of America under the provisions of this act: Provided, however, That the authority hereby given shall be subject to all the conditions and stipulations and reservations contained in this act. [L. 1911, p. 271, sec. 3=5 Pur. Dig., p. 6253, sec. 156.]

**No. 51.** That this act shall not confer power to condemn land now held or hereafter to be acquired by Pennsylvania as and for a State Forest Reserve. [L. 1911, p. 271, sec. 4=5 Pur. Dig., p. 6253, sec. 157.]

**No. 52.** Nothing in this act shall be construed to repeal or invalidate or in any way affect the provisions of an act of Assembly, approved the twenty-second day of April, one thousand nine hundred and five, entitled "An act to preserve the purity of the waters of the State, for the protection of the public health," or the provisions of an act, approved the twenty-seventh day of April, one thousand nine hundred and five, entitled "An act creating a Department of Health, and defining its powers and duties," or the provisions of an act, approved the fourteenth day of May, Anno Domini one thousand nine hundred and nine, entitled "An act to safeguard human life and health throughout the Commonwealth by providing regulations for the control of



certain communicable diseases and the prevention of infection therefrom, and prescribing penalties for the violation of said regulations." [L. 1911, p. 271, sec. 5=5 Pur. Dig., p. 6253, sec. 158.]

**No. 52(a).** The receipts and proceeds derived in any way from, or on account of, the forest reservations, now or hereafter acquired by this Commonwealth, \* \* \* shall belong to and constitute a fund, to be known and designated as "The State School Fund of Pennsylvania," which is to be maintained as herein provided: Provided, however, That the forest reservations shall continue to be wholly under the control of the State Forest Reservation Commission, as now provided by law. [L. 1911, p. 309, art. 27, sec. 2701, as am. by L. 1915, act 370, sec. 1=5 Pur. Dig., p. 5631, sec. 608.] *See also No. 151c.*

**No. 52(b).** \* \* \*<sup>25</sup> All receipts derived in any way from, or on account of, the State forest reservations, \* \* \* shall always be promptly paid to the State Treasurer, and kept by him in a separate account, subject to the disposal of the State Board of Education as herein provided; \* \* \* [L. 1911, p. 309, art. 27, sec. 2702, as amended by L. 1915, act 370, sec. 2=5 Pur. Dig., p. 5631, sec. 609.] *See also No. 151c.*

**No. 53.** Be it enacted, &c., That if any person shall wilfully, negligently, or maliciously set on fire, or cause to be set on fire, any woodlands within the Commonwealth, or shall directly or indirectly, without the consent of the owner, cause fire to burn therein; or shall wilfully, negligently, or maliciously set fire upon adjacent lands, which fire shall be communicated to woodlands; such person shall be guilty of a misdemeanor, and on conviction thereof be fined not exceeding one thousand dollars for each offense, or imprisonment not exceeding six months, either or both, at the discretion of the court, together with costs of suit. [L. 1911, p. 861, sec. 1=5 Pur. Dig., p. 6249, sec. 120.]

**No. 53(a).**

NOTE.—Sections 2, 3, 4 of act on page 861 of L. 1911, are omitted for the reason that the provisions thereof do not come within the scope of this compilation, as having for their purpose the practice of forestry.

**No. 54.** The term "person" as used in this act, shall include not only individuals or natural persons, but as well artificial persons, existing only in contemplation of law, and shall be construed to mean partnerships, limited partnerships, joint-stock companies and corporations, and the officers, agents, and employes of the same. [L. 1911, p. 861, sec. 5=5 Pur. Dig., p. 6249, sec. 121.]

**No. 55.** The term "woodlands," in this act, is intended to include, and shall be construed to mean, woods, farmers' woodlots, marshes, moors, brush, barrens, brush lands, and wild, unseated uncultivated land. [L. 1911, p. 861, sec. 6=5 Pur. Dig., p. 6249, sec. 122.]

**No. 56.** All fines which shall be collected or paid under this act shall be remitted at once to the treasurer of the county wherein the same shall be collected or paid, to become a part of the general fund of the county. [L. 1911, p. 861, sec. 7=5 Pur. Dig., p. 6249, sec. 123.]

**No. 57.** Be it enacted, &c., That the Department of Forestry is hereby authorized to lease, for a period of not exceeding ten years, on such terms and conditions as it may

<sup>25</sup> The portions of sections 2701, 2702 of the School Code which are here included in Nos. 52(a); 52(b), are the only portions of those sections which are relevant to the purposes of this compilation.

consider reasonable, to any citizen, church, organization, or school board of Pennsylvania, such portion of the State Forest as the Department may deem suitable, as a site for a temporary building to be used by such citizen or family for health and recreation, or as a site for church or school purposes. [L. 1913, act 16, sec. 1=5 Pur. Dig., p. 6257, sec. 178.]

**No. 58.** The receipts from such leasing shall be paid into the State Treasury. [Eighty per centum]<sup>26</sup> thereof, so paid in, shall constitute a part of the State school fund of Pennsylvania. [L. 1913, act 16, sec. 2=5 Pur. Dig., p. 6257, sec. 179.]

**No. 59.** Be it enacted, &c., That all surface land which may hereafter be classified and set apart as auxiliary forest reserves, in the manner provided by law, shall be rated in value, for the purpose of taxation, not in excess of one dollar (\$1.00) per acre and shall continue to be so rated so long as the said land remains within the class designated as auxiliary forest reserves: Provided, however, That if the said surface land be underlaid with coal, iron ore, oil, gas, or other valuable minerals, said minerals may be separately assessed. The assessors in the several districts in which such lands are situate shall assess such land in the manner now or hereafter provided for the assessment of real estate for purposes of taxation, as if they had not been set apart as auxiliary forest reserves, and shall make their returns to the county commissioners in like manner as is now or hereafter may be provided by law, subject to exception, appeal, and final adjustment. [L. 1913, act 269, sec. 1=5 Pur. Dig., p. 6255, sec. 168.]

**No. 60.** Upon receipt of assessment returns from the various assessors, the county commissioners shall reduce, in their records, to a sum not in excess of one dollar (\$1.00) per acre, the assessment on all those lands which shall have been placed in the class known as auxiliary forest reserves, in accordance with certificates filed with them by the State Forestry Reservation Commission, and the original assessment returns made by said assessors shall be preserved. [L. 1913, act 269, sec. 2=5 Pur. Dig., p. 6255, sec. 169.]

**No. 61.** Whenever timber, on land which is included in the class of land known as auxiliary forest reserves, is about to be harvested, the then owner of the timber on said land shall give a bond to the county treasurer in twenty per centum of the amount of the estimated value of the timber to be harvested, and to be approved by the court of the county, conditioned to pay to the county treasurer, within ninety days after harvesting, ten per centum of the value of the trees immediately at and before the time of harvesting; which amount shall be ascertained by statement and return, under oath or affirmation, furnished in triplicate, one to the county commissioners, one to the county treasurer, and one to the commission, immediately after harvesting, by the then owner of the land, setting forth said value; which sum thus paid shall be divided and distributed by the county treasurer of each county—to the county, and the poor district, the road district, and the school district of the township in which the auxiliary reserve is situate, pro rata, based upon the last assessed millage of taxation for county, poor, road, and school purposes within said taxing district.

Such sum of money when ascertained to be due as a tax by the filing of the foregoing statement and return, under oath, and, as hereinbefore provided, directed to be paid to

<sup>26</sup> The limitation contained in the words "Eighty per centum," here inclosed in [ ], is no longer operative, since sections 2701, 2702 of the School Code, as amended by act 370 of L. 1915, now require that all receipts and proceeds derived from such leasing, shall be paid into the State School Fund. *See Nos. 52 (a); 52 (b).*



the county treasurer by the owner of an auxiliary forest reserve, shall, from the time of such filing, be and remain a lien upon the land of such owner until payment shall have been made: And be it further provided, That all moneys received by the boards of supervisors shall be appropriated exclusively to the opening, maintenance, and repair of the public roads now or hereafter passing through or into said auxiliary forest reserves, or upon which said reserves now or hereafter may abut; and, in the event that no public highways pass through or into said reserves, or none of said reserves abut on such highways, then said moneys shall be used for general township road purposes. [L. 1913, act 269, sec. 3=5 Pur. Dig., p. 6255, sec. 170.]

**No. 62.** Should the county commissioners be dissatisfied with the return made, as hereinbefore provided in section three hereof, the court of common-pleas of the proper county, on petition of the commissioners, shall appoint a board of three appraisers, who shall go upon the land in question, estimate the quantity and value of the trees immediately at and before the time of harvesting, and make a return thereof to the court, which said return shall then be made the basis upon which each owner shall make payment to the respective county treasurers, unless changed upon appeal. The said appraisers shall be duly sworn or affirmed before entering upon their work, and either party, if dissatisfied with the report of the appraisers, shall have right of appeal to the court of common pleas of the county, within ten days after such report shall be filed and notice thereof given the owner. The said appraisers shall be allowed their expenses and a compensation to be fixed by the court, both to be paid by the county commissioners. [L. 1913, act 269, sec. 4=5 Pur. Dig., p. 6256, sec. 172.]

**No. 63.** In case of the removal of said lands from the class known as auxiliary forest reserves, prior to the maturity of the timber, and without payment of the tax of ten per centum of the value thereof, as provided in section three of this act, the county commissioners shall, on notice from the commission, ascertain the amount of the taxes which would have been paid by the said owner on the original assessment, before the reduction provided for in section two of this act, adding legal interest from the date when each tax payment would have become delinquent. The said commissioners shall likewise ascertain the amount of taxes which have actually been paid upon the land in question, adding legal interest upon all such payments from the date when paid, and certify the result thereof to the county treasurer, who shall then proceed, in the manner provided for the collection of county taxes under general laws, to recover from such owner the difference between the two amounts, with costs. Such difference, so ascertained to be due as tax as aforesaid, shall be and remain a lien upon the land of such owner until payment shall have been made.

If such land shall be so removed from said class after the due cutting of a matured crop and the payment of tax thereon, the owner shall, in that case, not be liable for such past assessment; but the land shall thereafter be liable to assessment and tax as all other land not classed as auxiliary forest reserves. [L. 1913, act 269, sec. 5=5 Pur. Dig., p. 6256, sec. 174.]

**No. 64.** This act shall take effect only beginning with assessments made for the purpose of levying taxes for the fiscal year one thousand nine hundred and fourteen. [L. 1913, act 269, sec. 6=5 Pur. Dig., p. 6256, sec. 175.]

**No. 65.** Whereas, By existing law the State forest reserves are subject to an annual charge of two cents per acre for the benefit of schools, and two cents per acre for the benefit of roads, in the respective districts in which said reserves are located; and

Whereas, It would be a hardship to withhold from school and road districts the taxes which would otherwise be collected from land classified as auxiliary forest reserves; therefore,—

Be it enacted, &c., That all lands which shall hereafter be classified as auxiliary forest reserves shall be subject to an annual charge of two cents per acre for the benefit of the schools, and two cents per acre for the benefit of the roads, in the respective districts in which said reserves are located. Said charge is hereby made payable by the State. [L. 1913, act 270, preamble and sec. 1=5 Pur. Dig., p. 6256, sec. 176.] See also Nos. 26; 27; 41; 42; 136; 137.

**No. 66.** The State Forestry Reservation Commission shall certify to the respective school districts and road districts, throughout the Commonwealth, in which auxiliary forest reserves are located, the number of acres thus set apart and classified in each district, and the charge against the same; and shall, furthermore, certify to the State Treasurer the number of acres as aforesaid, and the charge against the same, in favor of the respective school and road districts. The State Treasurer shall, upon the approval of the proper warrants of the commission, pay to the several school districts and road districts the amount due the same from the Commonwealth, as derived under this act. [L. 1913, act 270, sec. 2=5 Pur. Dig., p. 6256, sec. 177.] See also Nos. 26; 27; 41; 42; 136; 137.

**No. 67.** Be it enacted, &c., That in order to encourage the growing of such trees, now existing or hereafter produced, as will at the proper age be suitable for merchantable forest products, whether such be of natural reproduction or from seed sown, or trees planted out, or all combined, all surface land which may be set apart according to the provisions of this act, and exclusively used for growing such trees, is hereby constituted a separate and distinct class of land, to be known as auxiliary forest reserves. [L. 1913, act 284, sec. 1=5 Pur. Dig., p. 6259, sec. 159.]

**No. 68.** When any owner of surface land desires to have such land placed in the class established by section one of this act, such owner shall notify the State Forestry Reservation Commission of his desire in manner and form to be prescribed by said commission. Said notice shall contain a description of the land, its location, boundary, area, and character, and shall state as far as practicable the species, character, and condition of the trees growing thereon, and whether they are of natural reproduction or are from seed sown for the purpose, or have been set out on said land, or all combined, and such other information as the commission may require. If, upon receipt and consideration of this notice, the commission shall, in its discretion, deem the conditions such as to warrant action on its part to determine whether such land should rightfully be placed in the class established by section one of this act, it shall cause the same to be examined by some person learned in the practice and principles of forestry, and a report made thereon, and if, upon receipt and consideration of such report, it decides that such land should be placed in the class established by section one of this act, it shall so declare and certify to the commissioners of the county in which said land is located. [L. 1913, act 284, sec. 2=5 Pur. Dig., p. 6254, sec. 160.]

**No. 69.** Upon receipt by the county commissioners of such certificate of the commission it shall be their duty at once to place said surface land in the class established by section one of this act, and keep the same therein until the trees growing thereon shall, in the judgment of the commission, become sufficiently large and suitable for merchantable forest products, or the land be devoted to other purposes: Provided, however, That the certificate of the commission shall not become operative to place said surface land in the



class established by section one of this act until the owner of said surface land has agreed, in writing, with the commission, to care for the trees growing thereon, according to the instructions and directions of the commission, up to such time as such trees become suitable for merchantable forest products; and if any such owner at any time fails to care for the trees growing on said land as agreed with the commission, and due proof thereof is made, the commission may remove said surface land from the class established by section one of this act. In case of such removal, either through failure of the owner to care for the trees or on his expressed desire for removal before the trees shall have been cut at maturity and tax paid thereon, the county commissioners shall, on notice from the commission, proceed to recover from said owner, for the use of the county and township, by an appropriate action at law if necessary, the difference in the amount of tax which would have been paid by the said owner at the rates established for the years for which recovery is sought and the rate provided for auxiliary forest reserves, with costs of suit, to be recoverable from the time when such land was placed in the class of auxiliary forest reserves. And the commission shall remove said surface land from the class established by section one of this act at any time that the then owner shall, in writing, notify the commission that he desires such removal. The commission may, in its discretion, at the time said surface land is placed in the class established by section one of this act, require the owner to file with the commission his or its bond, of such kind and amount as the commission shall deem reasonable and sufficient to secure the obligations of such owner under this act. [L. 1913, act 284, sec. 3=5 Pur. Dig., p. 6254, secs. 161; 162.]

**No. 70.** Whenever trees growing on said surface land have become suitable for merchantable forest products, the commission shall, at the request of the owner or on its own motion, make an examination of said land, and designate for the owner the kind and number of trees most suitable to be cut, if, in the judgment of the commission, there be any, and the cutting and removal of said trees so designated shall be in accordance with the instructions of the commission. [L. 1913, act 284, sec. 4=5 Pur. Dig., p. 6255, sec. 163.]

**No. 71.** If the owner of said surface land faithfully carries out the instructions of the commission with regard to the removal and marketing of such mature or other trees, as may be designated in the instructions of the said commission, and shall immediately replant other trees of valuable species, or so protect the young growth that the said land may immediately become covered with young forest growth, and does so with the approval of the commission, then such surface land shall remain in the said class, established by section one of this act; otherwise, the commission shall notify the county commissioners that the said land is not being maintained in accordance with the written agreement of the owner and the instructions of the commission, in which event the county commissioners shall immediately remove said land from the class established by section one of this act. All expenses attendant upon the examination of the said surface land by the commission shall be paid for out of the moneys appropriated for the maintenance of the Department of Forestry, in like manner as other expenses for maintenance of said department are now paid. [L. 1913, act 284, sec. 5=5 Pur. Dig., p. 6255, sec. 164.]

**No. 72.** The owner of the said auxiliary forest reserves shall, at all times, have the right to remove therefrom trees, or portions of trees, which may be killed by fire, thrown or broken by the wind, or injured by other natural causes; and shall, under the direction of the commission, be privileged to make necessary thinnings or removal of undesirable species of trees, in order to improve the condition of the remaining

trees; and, under the same direction, may be privileged to remove therefrom such timber, from time to time, as may be necessary and essential for use upon the neighboring cleared lands of the said owner, for general farm purposes. [L. 1913, act 284, sec. 6=5 Pur. Dig., p. 6255, sec. 165.]

**No. 73.** Any tract of land while remaining in the class of auxiliary forest reserves as above provided, may, nevertheless, be sold or incumbered by or through the owner thereof, but no sale or incumbrance, whether voluntary by the owner or involuntary under any statutory or judicial proceeding whatsoever, whether of any State or of the United States, shall effect a discharge of any obligation imposed under this act, and said land shall be removed from said class only in accordance with the provisions hereof. [L. 1913, act 284, sec. 7=5 Pur. Dig., p. 6255, sec. 166.]

**Nos. 74; 75.**

NOTE.—The text of Nos. 74 and 75 has been deleted in consequence of the repeal of the act contained therein (L. 1913, act 414) by L. 1921, act 298, sec. 3. See No. 19 (a).

**No. 76.** Be it enacted, &c., That when county commissioners shall have received from the county treasurer a conveyance of lands which shall have been advertised and sold for unpaid taxes, in accordance with the several acts of Assembly relating to the sale and conveyance of lands for taxes, the said commissioners are hereby directed, after the period of redemption of said lands shall have expired, to offer said lands to the Department of Forestry, for acceptance or rejection by said department, for forestry purposes, when required so to do by the Department of Forestry. The county commissioners, in making such offer, shall describe the land by giving the name of its former owner, its location, warrantee name or number, and its adjoiners. They shall state the number of acres and perches in each tract so offered, and the amount of taxes, interest, and costs due thereon, which shall have been levied and become a lien and accrued to the time of making the offer. Every such offer shall be accompanied by a draft of the land, when required by the department, to be prepared by the county surveyor. The cost of the preparation of such draft shall be paid by the county commissioners, and in no case shall exceed the ordinary and usual amount paid for the making of similar drafts in the course of county business. The cost of the draft may be added by the commissioners to the amount of costs accrued against the land which they shall offer the Department of Forestry. Where adjoining tracts are so offered, they shall be included within one draft, and the cost of the draft shall be ratably apportioned among the several tracts in accordance with the area thereof. [L. 1915, act 68, sec. 1=5 Pur. Dig., p. 5803, Secs. 39; 40.]

**No. 77.** That upon receiving any such offer from the county commissioners, which offer shall be made upon blank forms to be prepared by the Department of Forestry and supplied to the commissioners, the department shall make an examination and valuation of the land so offered, to determine whether it is suitable for forestry purposes. If found not suitable for forestry purposes, the department shall so notify the commissioners. If found to be suitable for that purpose, it shall likewise notify the commissioners of its suitability, make a conditional acceptance, and proceed to examine the title. If such examination shall disclose that the title is marketable, and of such character as can be safely accepted, the department shall prepare a deed to be executed by the commissioners, conveying such land to the Commonwealth of Pennsylvania. The consideration shall include all taxes levied, interest, and costs due to date of conveyance; but shall, in no case, exceed the limit of purchase price now or hereafter fixed by law for the purchase of land by the Depart-



ment of Forestry for forestry purposes. [L. 1915, act 68, sec. 2=5 Pur. Dig., p. 5803, sec. 41.]

**No. 78.** That if the title examination shall disclose incumbrances upon the land, or other objections, which, in the judgment of the Department of Forestry, will render the title unmarketable or undesirable for the State to own, the county commissioners shall then proceed to remove such objections to title, and cure such defects, so far as it may be possible to do so, or may be required by the practice of the Department of Forestry, in the purchase of lands. The purchase of said land shall not be further proceeded with until the title shall be rendered acceptable to the Department of Forestry. In case the county Commissioners neglect or refuse to remove objections to title when required by the Department, the Department may, after a reasonable time, not exceeding six months, notify the commissioners that it refuses to consider the further purchase of the land so offered. The time for removal of objections may be extended by the department for cause shown. [L. 1915, act 68, sec. 3=5 Pur. Dig., p. 5803, sec. 42.]

**No. 79.** Be it enacted, &c., That the Department of Forestry is hereby authorized to grow young forest-trees, and to distribute them to those desiring to plant them, in such quantity and under such regulations as may be prescribed by the department, when the available stock in the forest nurseries shall be in excess of that required by the department for forest planting. No charge shall be made for the trees so distributed, but the cost of boxing and shipping shall be paid by the applicant. The applicant must enter into an agreement with the department to plant the young trees under such conditions or regulations as may be made by the department, and to protect and care for them when planted. The department may render such assistance and instruction in the planting of the trees as it may deem necessary to secure their proper planting. [L. 1915, act 76, sec. 1=5 Pur. Dig., p. 6243, sec. 78.]

**No. 80.** That all such young forest-trees, which shall be distributed as aforesaid, shall not be subject to sale in the hands of the applicant, but shall be properly planted, in accordance with the agreement entered into with the department. [L. 1915, act 76, sec. 2=5 Pur. Dig., p. 6243, sec. 79.]

**No. 81.** That all acts and parts of acts inconsistent with or supplied by this act are repealed. [L. 1915, act 76, sec. 3=5 Pur. Dig., p. 6243, sec. 80.]

**No. 82.** Be it enacted, &c., That from and after the approval of this act, it shall be the duty of each forester and forest ranger in this Commonwealth to enforce all the laws relating to forestry, fish, and game; it shall be the duty of every game-protector, deputy game-protector, or special deputy game-protector, commissioned in this Commonwealth, to enforce all the laws relating to fish, game, and forestry; it shall be the duty of every fish-warden or deputy fish-warden, commissioned in this Commonwealth, to enforce all the laws relating to game, fish, and forestry, under the direction of that department or commission into whose special care the interests of these several subjects have been entrusted, namely: All prosecutions for violation of laws relating to forestry shall be brought under the direction of the Department of Forestry; all prosecutions for violation of the fish laws shall be brought under the direction of the Department of Fisheries; and all prosecutions for violations of the game laws shall be brought under the direction of the Board of Game Commissioners; and, to that end, the powers of all the officers aforesaid are hereby extended in such a way as to give them full authority to carry out the purposes of this act. It shall be the further duty

of every such forester, forest ranger, game-protector, deputy game-protector, special deputy game-protector, fish-warden, and deputy fish-warden, whenever such official may have knowledge of the violation of any of the aforesaid laws, forthwith to make a full and complete report thereof to that department under which such official may be commissioned; which department, in case said law relates to a subject whose special care is entrusted to another department, shall at once forward such report to the appropriate department charged with the enforcement of said law.

Every person connected with either the Department of Forestry, or with the Department of Fisheries, or with the Game Commission, and under pay of the Commonwealth, who shall refuse or neglect to safeguard, in a reasonable way, the interests of the Commonwealth relating to either forestry, or fish, or game and wild birds, as provided for and intended by this act, or who, without prejudice to the work of that department to which he may specially belong, shall refuse or neglect to investigate to a reasonable conclusion any violation of the laws of this Commonwealth relating to either of the other departments named in this act that may be reported to him, or who may refuse or neglect to make the reports required by this act, shall be guilty of a misdemeanor, and for the first offense shall be liable to penalty of twenty-five dollars, or in lieu thereof to an imprisonment of one day for each dollar of penalty imposed, and for the second offense to double the penalty imposed for the first offense, and for the third offense shall be discharged from the service of the State; and it shall be the duty of the heads of the several departments mentioned in this act to notify the various employees of the State Government that may be under their control, and that are under the pay of the State, of the requirements of this act. [L. 1915, act 77, sec. 1=5 Pur. Dig., p. 6257, sec. 180; as am. by L. 1917, act 172, sec. 1.] See also No. 22.

**No. 83.** All acts or parts of acts inconsistent with this act, in so far as they relate to the various subjects and conditions considered by this act, and specifically changed by its provisions, are hereby repealed. [L. 1915, act 77, sec. 2=5 Pur. Dig., p. 6257, sec. 181.]

**No. 83 (a).** Boroughs may acquire by purchase, gift or lease, and hold tracts of land covered with forest or tree growth or suitable for the growth of trees and administer the same, under the direction of the Commissioner of Forestry, in accordance with the practices and principles of scientific forestry, for the benefit of the borough. Such tracts may be of any size suitable for the purpose, and may be located within or without the borough limits. [L. 1915, act 192, ch. IX, art. III, sec. 1=5 Pur. Dig., p. 5435, sec. 660.] See also Nos. 32-37.

**No. 83 (b).** Before the passage of any ordinance for the acquisition of land to be used as municipal forests, the burgess shall submit to the Commissioner of Forestry, and secure his approval of, the area and location of such land. [L. 1915, act 192, ch. IX, art. III, sec. 2=5 Pur. Dig., p. 5435, sec. 661.] See also Nos. 32-37.

**No. 83 (c).** Whenever the council of any borough deems it expedient to acquire any lands for the purposes of municipal forests, it shall so declare in an ordinance, wherein shall be set forth all facts and conditions relating to the proposed action; which proposed ordinance shall be advertised once a week for three weeks prior to its passage. [L. 1915, act 192, ch. IX, art. III, sec. 3=5 Pur. Dig., p. 5436, sec. 663.] See also Nos. 32-37.

**No. 83 (d).** All money necessary for the purchase of such tracts shall be appropriated in the same manner as appropriations for borough purposes, and such funds may be provided



from the current revenue, or by the proceeds of a sale of bonds in accordance with existing law. [L. 1915, act. 192, ch. IX, art. III, sec. 4=5 Pur. Dig., p. 5436, sec. 663.] *See also Nos. 32-37.*

**No. 83 (e).** Upon the acquisition of any municipal forests or lands suitable for such, the council shall notify the Commissioner of Forestry, who shall make such rules for the government and proper administration of the same as may be necessary, and the council shall publish such rules, declare the uses of the forest in accordance with the intent of this article, and make such provision for its administration, maintenance, protection and development as shall be necessary or expedient. The rules governing the administration of such forests shall have for their main purpose the producing of a continuing borough revenue by the sale of forest products. [L. 1915, act 192, ch. IX, art. III, sec. 5=5 Pur. Dig., p. 5436, sec. 664.] *See also Nos. 32-37.*

**No. 83 (f).** All moneys necessary to be expended for the administration, maintenance, protection and development of such forests shall be appropriated and applied as is now done for borough purposes; all revenue and emoluments arising from such forests shall be paid into the borough treasury to be used for general borough purposes. [L. 1915, act 192, ch. IX, art. III, sec. 6=5 Pur. Dig., p. 5436, sec. 665.] *See also Nos. 32-37.*

**No. 83 (g).** Municipal forests may be used by the public as general outing or recreation grounds subject to the rules governing their administration as municipal forests. [L. 1915, act 192, ch. IX, art. III, sec. 7=5 Pur. Dig., p. 5436, sec. 666.] *See also Nos. 32-37.*

**No. 83 (h).** Whenever the council of any borough deems it expedient to alienate any municipal forest or part thereof, it shall so declare in an ordinance wherein shall be set forth all the facts and conditions relating to the proposed action; which proposed ordinance shall be advertised once a week for three weeks prior to its passage. No ordinance shall be effective in legalizing such alienation until it has been approved by a majority vote of the people at the next ensuing election. [L. 1915, act 192, ch. IX, art. III, sec. 8=5 Pur. Dig., p. 5436, sec. 667.] *See also Nos. 32-37.*

**No. 84.** Be it enacted, &c., That the limit of purchase price to be paid by the Department of Forestry for land hereafter to be purchased by it, and used for State forest purposes, shall not exceed the sum of ten dollars per acre. [L. 1915, act 198, sec. 1=5 Pur. Dig., p. 6240, sec. 53.] *See also No. 11 (b).*

**No. 85.** Be it enacted, &c., That a Bureau of Forest Protection is hereby established within the Department of Forestry. The persons appointed thereto or assigned to duty therein shall be subject to the authority and under the control of the Commissioner of Forestry. [L. 1915, act 353, sec. 1=5 Pur. Dig., p. 6235, sec. 4.] *See also Nos. 11 (c); 86.*

**No. 86.** Immediately after this act becomes effective and thereafter whenever a vacancy occurs, the Commissioner of Forestry shall appoint a forester in the employ of the department to be Chief of the Bureau of Forest Protection, who by virtue of his appointment shall immediately become and be Chief Forest Fire Warden. [L. 1915, act 353, art. I, sec. 101=5 Pur. Dig., p. 6235, sec. 5; as amended by L. 1921,<sup>13</sup> act 299, sec. 1.]

**No. 87. (a)** It shall be the duty of the chief forest fire-warden to take such measures for the prevention, control, and extinction of forest fires as will assure a reasonable protection from fire to woodlots, forests, and wild lands within the State.

(b) The chief forest fire-warden shall institute the system of forest fire-wardens, as hereby created, and shall have authority to supervise and manage the same.

(c) He shall reorganize the former system of fire-wardens, and as rapidly as possible make it conform to the provisions of this act.

(d) **NOTE.**—The text of this subdivision (d), which required the Chief Forest Firewarden to divide the State into forest fire districts, has been deleted in consequence of its having been supplied by Nos. 11 (d); 90.

(e) At the end of each calendar year he shall render to the Commissioner of Forestry a report for the year, covering all phases of the work under his direction, which report, together with a list of the fire-wardens, shall be published annually as a bulletin of the Department of Forestry.

(f) He shall collect, with the assistance of the force and means at his command, data relating to location, area, and fire hazard of woodlots, forests, and wild lands within the State; data relating to forest fires, and losses resulting therefrom; and such other data as he may deem to come within the purview of his duties, and as he may desire to present to the commissioner or to the public.

(g) He shall tabulate and draft data in such manner that the information may be easily and readily appreciated. Maps, drafts, and tables shall be published, in the discretion and under the direction of the Commissioner of Forestry, as a part of the annual report of the chief forest fire-warden or as separate bulletins of the department.

(h) He shall plan and put into effect as rapidly as convenient a system of fire-towers and observation stations, which shall cover the regions subject to forest fires, purchase the necessary material and equipment, and hire the necessary labor for the installation of the system.

(i) When, in his discretion, the purposes of this act may be accomplished better by the appointment of certain forest fire-wardens as watchmen or patrolmen during dry seasons, and within regions subject to great fire risk, he shall make such appointments; provided that no person shall be appointed watchman or patrolman without first having been appointed a forest fire-warden, and that wardens who have proved to be efficient shall be given preference.

(j) He may enter into agreements, with the consent of the Commissioner of Forestry, with persons, firms, corporations, or associations, upon satisfactory terms, for the successful accomplishment of forest fire prevention or control.

(k) He shall conduct such educational work in relation to forest fires as may be approved by the Commissioner of Forestry.

(l) He shall audit all bills incurred under this act. He shall approve those which are correct and should be paid and present them to the Commissioner of Forestry, who shall transmit them to the Auditor General.

(m) Upon receipt of checks from the State Treasurer, he shall send them to the persons entitled thereto.

(n) He shall have authority to declare a public nuisance any property which, by reason of its condition or operation, is a special forest fire hazard, and, as such, endangers other property or human life.

(o) He shall notify the owner of the property, or the person responsible for the condition declared a public nuisance, and advise him as to the abatement or removal of such nuisance. In the case of a railroad, such notice shall be served upon the superintendent of the division upon which the nuisance exists.

(p) He shall collect and arrange information obtained concerning violation of laws relating to the protection of forests from fire, and present the same to the Commissioner of Forestry, who shall file it with the Attorney General for legal action. [L. 1915, act 353, art. I, sec. 102=5 Pur. Dig., pp. 6235, 6236, sec. 6.]



**No. 88.** The compensation of the Chief Forest Fire Warden shall be his salary as Chief of the Bureau of Forest Protection, and his salary and all necessary expenses incurred in the performance of his duties, and all salaries and wages of the Bureau of Forest Protection shall be paid from the appropriation for forest protection. [L. 1915, act 353, art. I, sec. 103=5 Pur. Dig., p. 6236, sec. 7; as amended by L. 1921,<sup>13</sup> act 299, sec. 2.]

**No. 89.** As soon as convenient after this act becomes effective, the Commissioner of Forestry shall assign to the Bureau of Forest Protection a forester in the employ of the department, to act as a clerk to the chief forest fire-warden; and, from time to time, may assign such other clerical assistants to the bureau as may be necessary. [L. 1915, act 353, art. II, sec. 201=5 Pur. Dig., p. 6236, sec. 8.]

**No. 90.** As rapidly as Forest Districts are created they shall become also Forest Fire Districts and the District Foresters appointed to take charge of them shall become by virtue of their appointment and be District Fire Wardens. [L. 1915, act 353, art. III, sec. 301=5 Pur. Dig., p. 6236, sec. 9; as amended by L. 1921,<sup>13</sup> act 299, sec. 3.]

**No. 91.** (a) The district fire-warden shall establish headquarters at some advantageous place within his district; shall act as the field representative of the chief forest fire-warden, and be under his direction.

(b) He shall be responsible for the collection of data, within his district, necessary for accomplishing properly the purposes of this act.

(c) He shall make recommendations to the Chief forest fire-warden for the appointment of local fire-wardens, the location of fire-towers, the employment of patrolmen, and the region to be patrolled, and regarding such other matters as may come to his attention which would tend to improve the protective system.

(d) He shall arrange for annual meetings of fire-wardens within his district, for instruction in forest fire matters.

(e) He shall report to the chief forest fire-warden situations and conditions existing within his district which are or may become forest fire hazards. He shall serve notices for the correction or removal of such conditions, when issued by the chief forest fire-warden.

(f) He shall receive, audit, and approve the reports and accounts of the local fire-wardens before submitting them to the chief forest fire-warden.

(g) He shall act as an inspector of the work of local fire-wardens, and render assistance to them.

(h) He shall conduct educational work, and develop cooperation between local agencies and the Department of Forestry for the prevention and suppression of forest fires.

(i) He shall perform such other duties as may be assigned to him by the Commissioner of Forestry or the chief forest fire-warden. [L. 1915, act 353, art. III, sec. 302=5 Pur. Dig., p. 6236, sec. 10.]

**No. 92.** The compensation of each District Fire Warden shall be his salary as District Forester, and such salary and all necessary expenses incurred in the performance of his duties; also the salaries, wages, and necessary expenses incurred in the performance of the duties of the Forest Officers assistants and labor employed in or assigned to his Forest District, as well as the other necessary expenses in the way of rent, material, equipment, et cetera of his said District, may all be paid from the appropriations for forest protection, and from other items of appropriation for the Department of Forestry respectively in proportion as such salaries, wages, and necessary expenses are incurred for forest protection or for the other administrative work of the Department of Forestry, the proportion to be paid from the appropriation for forest protection under the above rule to be

determined from time to time by the State Forest Commission. [L. 1915, act 353, art. III, sec. 303=5 Pur. Dig., p. 6236, sec. 11; as amended by L. 1921<sup>13</sup>, act 299, sec. 4.]

**No. 93.** A person appointed a local fire-warden shall be chosen expressly by reason of his physical fitness, sobriety, honesty, and ability to perform the duties herein required, and must have the recommendation of the district fire-warden for the forest fire district in which he is located. Where no district fire-warden has been appointed, the chief forest fire-warden shall first satisfy himself as to the above qualifications before making an appointment. [L. 1915, act 353, art. IV, sec. 401=5 Pur. Dig., p. 6236, sec. 12.]

**No. 94.** Local fire-wardens shall be appointed by the chief forest fire-warden in such localities as he may deem necessary. [L. 1915, act 353, art. IV, sec. 402=5 Pur. Dig., p. 6237, sec. 13.]

**No. 95.** Every person appointed a forest fire-warden under this act shall be given a certificate of appointment, issued by the chief forest fire-warden, and may be furnished with an appropriate badge, in the discretion of the chief forest fire-warden. [L. 1915, act 353, art. IV, sec. 403=5 Pur. Dig., p. 6237, sec. 14.]

**No. 96.** (a) Whenever fire is discovered in or approaching woodlots, forests, or wild lands, whether the same be owned by individuals, corporations, or by the Commonwealth, it shall be the duty of a forest fire-warden immediately to take such measures as are necessary to extinguish the fire.

(b) Whenever fires have been combated or extinguished as provided for in this act, the forest fire-warden shall prepare a correct statement of expenses, upon forms to be furnished by the department; which statement must be verified by oath or affirmation, and must be filed with the district warden, and by him forwarded to the chief forest fire-warden within sixty days of the date of fire.

(c) He shall promptly investigate the cause of each fire which comes to his knowledge, collect such evidence as may be discovered relating thereto, and such other facts as he may be directed, and report the same to the chief forest fire-warden.

(d) Upon receipt of a check from the State Treasurer, he shall at once pay by check the amounts due to such persons as are entitled to receive pay from him.

(e) He shall attend an annual meeting of fire-wardens in his district when notified, or present a reasonable excuse.

(f) When designated as a patrolman or watchman, he shall perform such duties as may be assigned him by the chief forest fire-warden or by the district fire-warden. [L. 1915, act 353, art. IV, sec. 404=5 Pur. Dig., p. 6237, sec. 15.]

**No. 97.** Each Local Forest Fire Warden shall be paid at the rate per hour to be fixed from time to time by the State Forest Commission not exceeding a maximum of 50 cents per hour for the time actually employed in the performance of his duties. He shall also be paid for the necessary expenses incurred in the performance of his duties. A Local Forest Fire Warden shall not be paid from the forest protection appropriation in any one month an amount in excess of \$75.00 unless he shall have been regularly employed as a patrolman or otherwise. [L. 1915, act 353, art. IV, sec. 405=5 Pur. Dig., p. 6237, secs. 16, 17; as amended by L. 1921<sup>13</sup>, act 299, sec. 5.]

**No. 98.** The chief forest fire-warden may appoint persons who will serve without compensation as special or as ex-officio forest fire-wardens. They shall have the same power and authority as local forest fire-wardens, but their duties



may be changed or extended by the chief forest fire-warden. [L. 1915, act 353, art. V, sec. 501=5 Pur. Dig., p. 6237, sec. 18.]

**No. 99.** Foresters and rangers in the employ of the Department of Forestry shall be forest fire-wardens ex-officio. [L. 1915, act 353, art. V, sec. 502=5 Pur. Dig., p. 6237, sec. 19.]

**No. 100.** Special and ex-officio forest fire-wardens shall receive no compensation under this act, other than the necessary expenses incurred by them in the performance of their duties as fire-wardens. [L. 1915, act 353, art. V, sec. 503=5 Pur. Dig., p. 6237, sec. 20.]

**No. 101.** A fire-warden shall have authority to employ such other persons as, in his judgment, may be necessary to render assistance in extinguishing fire; and, whenever it shall not otherwise be possible for him to secure a sufficient number of persons to assist in extinguishing fire, he is hereby authorized to compel the attendance of persons and to require them to render assistance in the extinguishing of fire, under penalties prescribed in this act. [L. 1915, act 353, art. VI, sec. 601=5 Pur. Dig., p. 6237, sec. 21.]

**No. 102.** A fire-warden shall have authority to administer an oath or affirmation, in order to examine any person who he believes knows facts relating to any fire, or who claims compensation for services rendered. [L. 1915, act 353, art. VI, sec. 602=5 Pur. Dig., p. 6237, sec. 22.]

**No. 103.** Every official provided for by this act shall have authority to enter upon any land at any time for the purpose of performing duties in accordance herewith. [L. 1915, act 353, art. VI, sec. 603=5 Pur. Dig., p. 6237, sec. 23.]

**No. 104.** A fire-warden shall have power to arrest on view, without first procuring a warrant, any person detected by him in the act of committing an offense against any of the laws now enacted or hereafter to be enacted for the protection of forests, woodlots, timber, or wild lands, or when he shall have a reasonable suspicion that any person is committing or is about to commit some such offense. The warden shall have further power to take the offender before a justice of the peace, or other magistrate having jurisdiction, for hearing, trial, or other due process of law. The further conduct of any such case shall be entrusted to, and be undertaken by, the Attorney General. [L. 1915, act 353, art. VI, sec. 604=5 Pur. Dig., p. 6237, sec. 24.] *See also Nos. 9; 22.*

**No. 105.** A fire-warden shall not be personally liable for any act required or permitted to be done under the provisions of this law, while acting within the scope of his duties as a fire-warden. [L. 1915, act 353, art. VI, sec. 605=5 Pur. Dig., sec. 25.]

**No. 106.** Persons who extinguish or help to extinguish forest fires except as otherwise provided shall be paid at a rate per hour to be determined for each forest fire district by the chief forest fire warden with the approval of the Commissioner of Forestry, and based upon the rates of wages received for day labor within the respective forest fire districts, provided the rate does not exceed forty cents per hour. [L. 1915, act 353, art. VII, sec. 701=5 Pur. Dig., p. 6238, sec. 26; as amended by L. 1921<sup>13</sup>, act 299, sec. 6.]

**No. 107.** If any person shall feel aggrieved by the act of any fire-warden, such person may appeal to the Commissioner of Forestry, who will examine into the complaint. After hearing the parties he shall decide as to him shall seem just and right. [L. 1915, act 353, art. VII, sec. 702=5 Pur. Dig., p. 6238, sec. 27.]

**No. 108.** Nothing in this act shall be so construed as to relieve the owner or lessee of lands, upon which fires may burn or be started, from the duty of extinguishing such fire so far as may lie within his power.

No owner or lessee of land upon which fire may burn or be started, nor any person during employment with such owner or lessee, nor any other person with a present vested interest in such land, shall receive compensation under this act for extinguishing fire upon his land or the land to which his interest is attached.

No person who is responsible for the spreading of a fire to a woodlot, forest, or wild land, nor any person in his employ, may receive compensation from a fire-warden for helping to extinguish such fire. [L. 1915, act 353, art. VII, sec. 703=5 Pur. Dig., p. 6238, secs. 28, 29, 30.]

**No. 109.** All steam and electric railroad companies owning or operating lines of railroad within the State shall put into effect such reasonable regulations for the prevention of forest fire as may be deemed necessary by the chief forest fire-warden, providing the regulations be approved by the Public Service Commission. [L. 1915, act 353, art. VIII, sec. 801=5 Pur. Dig., p. 6238, sec. 31.]

**No. 110.** Expenses incurred under this act shall be paid from the general forest protection appropriation. [L. 1915, act 353, art. IX, sec. 901=5 Pur. Dig., p. 6238, sec. 32.]

**No. 111.** No bills of expenses relating to the protection of forests from fire incurred under this act, shall be honored by the chief forest fire-warden unless presented to him within sixty days after the expense has been incurred. [L. 1915, act 353, art. IX, sec. 902=5 Pur. Dig., p. 6238, sec. 33.]

**No. 112.** The Auditor General shall satisfy himself as to the correctness of all bills transmitted to him by the Commissioner of Forestry for expense incurred under this act, and shall then draw his warrants against the general forest protection appropriation in favor of the persons and for the amounts shown by the approved bills. [L. 1915, act 353, art. IX, sec. 903=5 Pur. Dig., p. 6238, sec. 34.]

**No. 113.** If a fire-warden shall fail to perform his duty, or shall render a false or fraudulent statement of service alleged to have been performed, or shall fail to pay promptly the respective amounts due those who have rendered service, after said amounts have been transmitted to him, he shall be guilty of a misdemeanor, and upon conviction thereof shall be fined a sum not exceeding one hundred dollars, or undergo imprisonment not exceeding three months, or both, in the discretion of the court. [L. 1915, act 353, art. X, sec. 1001=5 Pur. Dig., p. 6238, sec. 35.] *See also No. 119.*

**No. 114.** If any fire-warden, being in need of assistance in the suppression of fire, shall call upon any person to render assistance, and such person shall refuse without a just and fair excuse he is hereby declared to be guilty of a misdemeanor, and upon conviction thereof shall be sentenced to pay a fine not exceeding one hundred dollars, or undergo imprisonment not exceeding one month, or both, in the discretion of the court. [L. 1915, act 353, art. X, sec. 1002=5 Pur. Dig., p. 6238, sec. 36.] *See also No. 119.*

**No. 115.** A person who shall prevent or obstruct, or attempt to prevent or obstruct, a fire-warden in the performance of a duty required by this act, or the exercise of the rights of entry, access, or examination by any warden or officer of this bureau, shall be guilty of a misdemeanor, and upon conviction thereof shall be sentenced to pay a fine not exceeding one hundred dollars, or undergo imprisonment not exceeding one month, or both, in the discretion of the court.



[L. 1915, act 353, art. X, sec. 1003=5 Pur. Dig., p. 6238, sec. 37.] *See also No. 119.*

**No. 116.** Every person or corporation refusing to comply with an order of the chief forest fire-warden for the abatement of a nuisance, under this act, shall be guilty of a misdemeanor, and upon conviction thereof shall be sentenced to pay a fine of not more than one hundred dollars, or undergo imprisonment not exceeding one month, or both, in the discretion of the court. In construing or enforcing the provisions respecting the abatement of nuisances, under this act, the neglect or refusal of any officer, agent, or other person acting for or employed by a corporation, and having within the scope of his employment the supervision of the property complained about, shall in every case be deemed to be the neglect or refusal of the corporation itself.

Every day's continuance in the non-abatement of a nuisance, after an order by the chief forest fire-warden to abate the same, shall be a separate and distinct offense.

If a preliminary injunction be granted or any interlocutory order of supersedeas intervene, no penalty shall be incurred on account of non-abatement of such nuisance for the period of time such injunction or supersedeas is in force. [L. 1915, act 353, art. X, sec. 1004=5 Pur. Dig., p. 6238, secs. 38, 39, 40.] *See also No. 119.*

**No. 117.** Whenever a fire set by any person destroys property belonging to another, it shall be prima facie evidence that the loss occasioned is the result of negligence, and that the person responsible therefor is guilty of a misdemeanor. Upon conviction he shall be fined not exceeding one thousand dollars for each offense, or undergo imprisonment not exceeding six months, or both, in the discretion of the court. This section shall not apply to the setting of a back fire in good faith, to extinguish a fire then burning. [L. 1915, act 353, art. X, sec. 1005=5 Pur. Dig., p. 6239, sec. 41.] *See also No. 119.*

**No. 118.** Every steam and electric railroad company, owning or operating lines of railroad within the State, which shall neglect or refuse to put into effect such reasonable regulations for the prevention of forest fire as may be deemed necessary by the chief forest fire-warden and approved by the Public Service Commission, shall forfeit and pay to the Commonwealth of Pennsylvania, for each neglect or refusal, the sum of one hundred dollars, to be recovered by an action of assumpsit, instituted in the name of the Commonwealth by the Attorney General in the court of common pleas of Dauphin County, which court is hereby clothed with exclusive jurisdiction throughout the Commonwealth to hear and determine such actions.

Every day's continuance in refusal to comply with such regulations, after a notice from the chief forest fire-warden and the lapse of a reasonable length of time for compliance therewith, which time shall be fixed in the notice, shall be a separate and distinct offense. [L. 1915, act 353, art. X, sec. 1006=5 Pur. Dig., p. 6239, secs. 42, 43.] *See also No. 119.*

**No. 119.** Moneys received from the payment of fines shall be paid to the treasurer of the county in which suit is brought, for the use of the county, except as otherwise provided in this act. [L. 1915, act 353, art. X, sec. 1007=5 Pur. Dig., p. 6239, sec. 44.] *See also Nos. 113, 114, 115, 116, 117, 118.*

**No. 120.** When, in the judgment of the Commissioner of Forestry, he deems it necessary for general forest protection that causes or agencies injurious to trees and forests, other than fire, be investigated, reported upon, or abated, he is hereby authorized to assign to the Bureau of Forest Protection persons competent for such work. The salaries of such persons, so assigned, shall be fixed by the Commissioner of

Forestry, and shall in no case exceed the ordinary and usual amount paid for such services. Salaries and expenses shall be paid out of the general forest protection appropriation. [L. 1915, act 353, art. XI, sec. 1101=5 Pur. Dig., p. 6239, sec. 45.]

**No. 121.**

NOTE.—The provisions of section 1201, which constitutes Article XII of act 353, L. 1915 are obsolete.

**No. 122.** All acts or parts of acts inconsistent with or supplied by this act are repealed. [L. 1915, act 353, art. XIII, sec. 1301=5 Pur. Dig., p. 6239, sec. 47.]

**No. 123.** Be it enacted, &c., That the Department of Forestry is authorized to enter into agreements for the prevention and suppression of forest fires with county, township, municipal, and private agencies owning or controlling woodlots, forests, or wild lands, or whose activities in whole or in part are directed toward the prevention and suppression of forest fires. The department is authorized to expend from its general forest fire appropriation, for such protective and preventive purposes as it deems effective, a sum of money equal in amount to the amount which shall be expended by such agencies in accordance with such agreements. All expenditures must first be presented to the Department of Forestry in monthly statements, in form and manner prescribed for the payment of any sum from the forest fire appropriation. The Commissioner of Forestry shall audit the same and transmit them to the Auditor General, who shall then draw his warrant for one-half of the amount of expenditures approved by the Commissioner of Forestry. [L. 1915, act 361, sec. 1=5 Pur. Dig., p. 6249, sec. 125.]

**No. 124.** That every county, township, municipal, or private agency working under agreement with the department, in accordance with this act, shall render to the department, at the end of each calendar year, a report setting forth a complete itemized statement of expenditures made with a view to the prevention and suppression of forest fires, and stating such other information as the department may request. The financial statement and facts relating thereto shall be accompanied by an affidavit subscribed to by the person authorized to make the report. [L. 1915, act 361, sec. 2=5 Pur. Dig., p. 6249, sec. 126.]

**No. 125.** All acts and parts of acts inconsistent with or supplied by this act are repealed. [L. 1915, act 361, sec. 3=5 Pur. Dig., p. 6250, sec. 127.]

**No. 126.** Be it enacted, &c., That the Department of Forestry is hereby empowered to grant rights of way through State forests to individuals or corporations who may apply therefor, when it shall appear to the department that the grant of a right of way will not so adversely affect the land as to interfere with its usual and orderly administration, and when it shall appear that the interests of the Commonwealth or of its citizens will be promoted by such grant. [L. 1915, act 362, sec. 1=5 Pur. Dig., p. 6240, sec. 50.]

**No. 127.** A right of way, under this act, is hereby construed to include a passage, haulage, flowage, or transmission for any lawful purpose. [L. 1915, act 362, sec. 2=5 Pur. Dig., p. 6240, sec. 51.]

**No. 128.** All acts or parts of acts inconsistent with or supplied by this act are repealed. [L. 1915, act 362, sec. 3=5 Pur. Dig., p. 6240, sec. 52.]

**No. 129.** Be it enacted, &c., That the Department of Forestry is hereby authorized to purchase and receive conveyance of surface rights to any lands within this Common-



wealth, for forestry purposes, and to hold such lands as State forests. [L. 1917, act 88, sec. 1.]

**No. 130.** Where the title to any such land is subject to outstanding rights conveying waters, minerals, oil, gas, or other valuable deposits, or any privileges or reservations whatsoever, the Department of Forestry may, in its discretion, accept conveyance of the surface rights to such lands, where the administration of scientific and practical forestry will not be interfered with or made impossible by such outstanding rights, privileges, or reservations. [L. 1917, act 88, sec. 2.]

**No. 131.** Be it enacted, &c., That, whenever the Department of Forestry shall acquire lands for State forest purposes, included in which in the judgment of the Department there may be small areas better suited for ordinary agriculture than for the growing of forest trees, the Department may execute leases for such agricultural land to those who will plant it in ordinary agricultural crops and cultivate it, at such rate of rental as shall be equitable, and under such conditions as the Department may deem necessary and useful, for the purpose of bringing into a state of food-plant production such areas as are normally better suited for agriculture than for other purposes. [L. 1917, act 295, sec. 1.]

**No. 132.** All leases for such agricultural areas shall be for a term not exceeding ten years, and may be terminated earlier by mutual agreement of the parties. At the expiration of the term, a renewal of the lease may be made for a like term, or a lesser period, upon the same or such new conditions as may be mutually satisfactory. [L. 1917, act 295, sec. 2.]

**No. 133.** If more than one person shall apply for the same tract, the lease shall be advertised for sale in three local county papers, if there be so many, once a week for three weeks, and may then be awarded to the highest responsible bidder, if said bid is satisfactory in amount to the Department of Forestry. [L. 1917, act 295, sec. 3.]

**No. 134.** At the termination of any such lease the lessee shall have the privilege of removing from the land buildings and fences which may have been placed there at his own expense, or the same may be purchased by the lessor, as a part of the permanent improvement of the tract, upon such terms as may be just and mutually satisfactory to the parties. [L. 1917, act 295, sec. 4.]

**No. 135.** Where such land must necessarily be retained in cultivation for Department purposes, or for the use of Department employes, the Department may, in its judgment, decline to receive bids and execute leases for such tracts. [L. 1917, act 295, sec. 5.]

**No. 136.** Be it enacted, &c., That from and after the passage of this act, all lands now acquired or hereafter to be acquired by the Commonwealth for State forests, shall be subject to an annual charge of one cent per acre for the benefit of the counties in which said State forests are located. [L. 1919, act 61, sec. 1.]

**No. 137.** The Commissioner of Forestry shall certify the respective areas in the counties to the State Treasurer, and the State Treasurer shall pay the amount of the charge in favor of each county in the same manner as the fixed charges upon State forests for road and school purposes are now certified and paid. [L. 1919, act 61, sec. 2.]

**No. 138.** It shall be the duty of the Department of State Police to aid in the enforcement of all laws relating to game,

fish, forestry, and water supply. Members of the State Police Force are authorized and empowered to act as game-protectors and as forest-, fish-, or fire-wardens. [L. 1919, act 179, sec. 11.]

**No. 138 (a).** The State Police, with the approval of the Governor, may be called upon, by any other department of the State Government, to enforce all laws applicable or pertaining to such department or any regulation thereof. [L. 1919, act 179, sec. 13.]

**No. 139.** Be it enacted, &c., That whenever the State Forestry Reservation Commission or the Commission of Conservation<sup>27</sup> desires to acquire land suitable and desirable for forestry purposes for the use and benefit of the State as forestry lands, and a price for such lands cannot be agreed upon with the owner or owners thereof, or where such owner or owners cannot be found, in all such cases the Department of Forestry or the Department of Conservation<sup>27</sup> is authorized to acquire the said lands by condemnation. [L. 1919, act 289, sec. 1.]

**No. 140.** The Commissioner of Forestry or the Commissioner of Conservation,<sup>27</sup> on behalf of the Commonwealth, may enter upon any of such lands and take possession thereof. Thereupon the Commissioner for Forestry or the Commissioner of Conservation,<sup>27</sup> through the Attorney General, or any of the owners, if known, may apply to the court of common pleas of the county wherein such lands are located for the appointment of viewers. The court shall appoint three viewers, and shall appoint a time, not less than twenty nor more than thirty days after the presentation of such petition, when the viewers shall meet upon the lands and view the same and all improvements in connection therewith. [L. 1919, act 289, sec. 2.]

**No. 141.** The viewers shall give at least ten days notice of their first meeting to the Commissioner of Forestry or the Commissioner of Conservation,<sup>27</sup> and to the Attorney General, and to the owners of such land, if known. If the owners of such lands are unknown, notice shall be given in at least two newspapers in such manner as the court may direct. The viewers, having been sworn or affirmed faithfully, justly, and impartially to decide and a true report to make, concerning all matters to be submitted to them and in relation to which they are authorized to inquire, and having viewed the lands and premises, shall hear the parties and their witnesses, and shall estimate and determine the value of the property so taken. Where the owner of such lands and premises is unknown, the viewers shall estimate and determine the value of the land and improvements upon the testimony of the witnesses for the Commonwealth and any witnesses called by the viewers. [L. 1919, act 289, sec. 3.]

**No. 142.** The viewers shall prepare their report and shall give at least ten days written notice of a time and place where they will meet and exhibit their report and hear all exceptions thereto. If any owners of said lands are unknown, notice shall be given in two newspapers in the same manner as the notice of their first meeting was given. [L. 1919, act 289, sec. 4.]

**No. 143.** After making whatever changes are necessary, the viewers shall report to court, showing the damages allowed, and, if necessary, shall also file a plan showing the property taken. In all cases where the owners are known, the report shall also state to whom the damages are payable.

<sup>27</sup> The bill which proposed the creation of a Conservation Commission (or Department) was defeated at the 1919 session of the legislature.



In cases where the owners of the property are not known, that fact shall be clearly stated in the report. [L. 1919, act 289, sec. 5.]

**No. 144.** When the report is filed, notice thereof shall immediately be given to the Commissioner of Forestry or the Commissioner of Conservation,<sup>27</sup> the Attorney General and the owners of the land where known, which notice shall state that, unless exceptions be filed thereto within thirty days after the filing of the report, the same will be confirmed absolutely. Where any owners of such lands are unknown, notice shall be given in at least two newspapers in such manner as the court shall direct. [L. 1919, act 289, sec. 6.]

**No. 145.** Within thirty days after the filing of any report, the Commonwealth, or the owners of such lands, may file exceptions to the same, and the court shall confirm, modify, or change such report, or refer the same back to the same or new viewers. [L. 1919, act 289, sec. 7.]

**No. 146.** When the report is filed, the prothonotary shall mark it "confirmed nisi." In case no exceptions are filed thereto within the time herein specified, the court shall make a decree that the report is confirmed absolutely, which decree shall be entered by the prothonotary. [L. 1919, act 289, sec. 8.]

**No. 147.** Within thirty days after any report of viewers is filed under this act, the Commonwealth or the owners of such land may appeal to the court of common pleas and demand a trial by jury. Within six months after a confirmation absolute on exceptions, or within six months after a verdict and final judgment on appeal for a jury trial, the Commissioner of Forestry or the Commissioner of Conservation<sup>27</sup> or the owners of such land may appeal to the Supreme or to the Superior court, as in other cases. [L. 1919, act 289, sec. 9.]

**No. 148.** When the amount payable to the owner of such land has been finally determined, the same shall be paid by the Commissioner of Forestry or the Commissioner of Conservation<sup>27</sup> from the appropriations that may be made for such purposes; all costs in connection with any such proceedings shall be paid by the Commonwealth. [L. 1919, act 289, sec. 10.]

**No. 149.** When the owners of such lands are unknown, the Commissioner of Forestry or the Commissioner of Conservation<sup>27</sup> may enter upon and appropriate the land for the use of the State as herein provided. In all cases where the owners of lands are unknown, and the report of viewers has been finally confirmed, the Commonwealth shall be liable for all damages awarded therein. If at any time after the final confirmation of the report of viewers any person appears and proves title to said lands, such persons shall be entitled to, and receive from the Commonwealth, the sum so awarded by the viewers. Any such claimant of the land may petition the court of common pleas of the county wherein the land is located, giving a brief outline of the facts upon which the claim is based. Thereupon the court shall direct an issue to be framed, wherein the claimant shall appear as plaintiff and the Commonwealth of Pennsylvania as defendant. Such issue shall be tried according to the rules of procedure and evidence governing trials in ejectment, with a right of appeal by either party to the proper appellate court. If the final judgment on such issue is in favor of the plaintiff, the sum awarded by the report as

finally confirmed shall be paid by the Commonwealth to said claimant. The party to the action against whom the judgment is entered shall be liable for the costs as provided by law in other civil actions. [L. 1919, act 289, sec. 11.]

**No. 150.** The Department of Forestry or the Department of Conservation<sup>27</sup> of the Commonwealth shall have the control and supervision of all such lands acquired under the provisions of this act. All income and revenue derived from said lands shall be expended in the same manner and for the same purposes as provided by law for the expenditure of the income from the state forests. [L. 1919, act 289, sec. 12.]

**No. 151.** Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same, That whenever the State Forest Commission shall determine and declare by a resolution adopted unanimously at a meeting when a majority of its members are present and voting and approved by the Governor, that it will be to the advantage of the State forest interests, said State Forest Commission may by such resolution so approved authorize either of the following actions to be taken:

(a) That after such public hearing as the State Forest Commission may prescribe, any State forest land together with the buildings, improvements, and appurtenances thereof may be exchanged for privately owned land of equal or greater value, and at least equally adapted to State forest purposes.

(b) That after the advertisement provided for in section five hereof any State forest land together with the buildings, improvements, and appurtenances thereof declared by said resolution to be more valuable for other use than for State forest purposes and not needed for use in the administration and protection of the State Forests, may be sold to the party or parties offering the highest price therefor. [L. 1921,<sup>13</sup> act 194, sec. 1.]

**No. 151 (a).** Upon the adoption of any such resolution, the Attorney General shall prepare the necessary deed or deeds to consummate the exchange or sale provided for and authorized in section one hereof, and the Governor of the Commonwealth is hereby authorized to execute such deed or deeds for and on behalf of the Commonwealth of Pennsylvania, and affix thereto the seal of the Commonwealth, all to the intent and effect that the title of the State forest land together with its buildings, improvements, and appurtenances thus exchanged or sold may be vested in the party or parties entitled thereto, pursuant to the resolution of the State Forest Commission, but in case of sale no deed shall be delivered until the purchase price shall have been paid in full. [L. 1921,<sup>13</sup> act 194, sec. 2.]

**No. 151 (b).** Before the exchange of lands pursuant to section one hereof, the Attorney General shall examine and approve the title of the privately owned lands to be received in exchange and the deed or deeds from the Commonwealth of Pennsylvania shall be delivered only when a sufficient deed or deeds to the Commonwealth of Pennsylvania for the land to be received by the State shall have been approved by the Attorney General and delivered and immediately upon the execution, acknowledgment, approval, and delivery of the deeds to the Commonwealth of Pennsylvania, the lands thus granted shall become and be a part of the State forests subject to all the laws and rules governing the State forest land. [L. 1921,<sup>13</sup> act 194, sec. 3.]

<sup>27</sup> The bill which proposed the creation of a Conservation Commission (or Department) was defeated at the 1919 session of the legislature.

<sup>13</sup> Authenticated copies of the 1921 legislation used in this leaflet were procured informally, from the office of the Commissioner of Forestry, in advance of the official publication of the volume of Session Laws.



**No. 151 (c).** All receipts from the sale of any State forest land shall be deposited in the treasury and said receipts shall be and are hereby appropriated and made available until expended for use separately or in conjunction with any other appropriations for the acquisition of land for State forest purposes. [L. 1921,<sup>13</sup> act 194, sec. 4.] *See also Nos. 52a; 52b.*

**No. 151 (d).** Before the sale of any State forest land under the power granted by this act, the State Forest Com-

mission shall advertise such proposed sale at least once each week for three successive weeks in at least two newspapers published within the State, one of which shall be published in the city or town nearest the land to be sold. [L. 1921,<sup>13</sup> act 194, sec. 5.]

**No. 151 (e).** All acts or parts of acts inconsistent with or supplied by this act are hereby repealed. [L. 1921,<sup>13</sup> act 194, sec. 6.]

## GROUP OF ACTS CONSTITUTING FIREWARDEN SYSTEM PRIOR TO 1915.<sup>29</sup>

**No. 152.** That it shall be the duty of the commissioners of the several counties of this Commonwealth to appoint persons, under oath, whose duty it shall be to ferret out and bring to punishment all persons or corporations who either wilfully or otherwise cause the burning of timber lands within the respective counties, and to take measures to have such fires extinguished where it can be done; and on failure of the commissioners of any county, after demand made upon them by the Commissioner of Forestry of this Commonwealth, to comply with this provision, they shall be deemed guilty of a misdemeanor in office, and upon conviction thereof shall be fined in a sum not exceeding one hundred dollars, or suffer an imprisonment not exceeding two years, or both, at the discretion of the court. The expenses incurred in the employment of the persons contemplated by this act, on and after the first day of January, A. D. 1898, shall be paid, one-half out of the treasury of the respective county, and the remaining half of said expense shall be paid by the State Treasurer upon warrant from the Auditor General; but no such warrant shall be drawn until the commissioners of the proper county shall have first furnished, under oath or affirmation, to the Auditor General, a written itemized statement of such expense, and until the same is approved by the Auditor General: Provided, That in no case shall the expense to the Commonwealth growing out of this act exceed five hundred dollars for a single county in any one year. [L. 1870, act 1206, sec. 1; as amended by L. 1897, act 228, sec. 1=2 Pur. Dig., p. 1746, secs. 44, 45.]

**No. 153.** Be it enacted, &c., That from and after the passage of the act the constables of the various wards, boroughs and townships of the Commonwealth shall be ex-officio fire, game and fish wardens.<sup>29</sup> [L. 1899, act 14, sec. 1=1 Pur. Dig., p. 730, sec. 49.]

**No. 154.** It shall be the duty of said fire, game and fish wardens to enforce all statutes of this State now in force, or that may hereafter be enacted, for the protection of forests and timber lands from fire, and for the protection and propagation of game, game birds, game mammals, song and insectivorous birds, and fish, and said constables or wardens shall have authority to arrest without warrant any person or persons caught by them in the act of violating any of the aforesaid laws for the protection of forests and timber lands, game, and food and game fish, and take such person or persons forthwith before a justice of the peace or other magistrate having jurisdiction, who shall proceed without delay to hear, try and determine the matter. Such arrests may be also made on Sunday, in which case the person or persons arrested shall be taken before the proper officer, and proceeded against as soon as may be on a week day following the arrest.<sup>29</sup> [L. 1899, act 14, sec. 2=1 Pur. Dig., p. 730, sec. 50.]

### No. 154 (a).

NOTE.—Section 3, act 14, L. 1899 (1 Pur. Dig., p. 730, sec. 51) gives said Constables and Wardens power to search and examine, without warrant, any boat conveyance, vehicle, fish box, etc., "when they have good reason to believe that any of the laws for the protection of forests and timber lands, game and fish have been violated," and exempts them from liability for damages in connection with such action. These are the only provisions of this section which are in anywise relevant to the purposes of this compilation.<sup>29</sup>

**No. 155.** Any constable or warden, upon the arrest and prosecution of any offender to conviction under the provisions of this act, shall, in addition to the fees to which he may be entitled under existing laws, be paid for his services the sum of ten dollars on a warrant drawn by the county commissioners on the county treasurer, one-half of which shall be paid out of the treasury of the respective county, and the remaining half of said reward shall be paid by the State Treasurer into the treasury of said county, out of moneys not otherwise appropriated, upon warrant from the Auditor General, but no such warrant shall be drawn until the respective county commissioners shall have first furnished, under oath, to the Auditor General, a written itemized statement of such expense, and until the same is approved by the Auditor General: Provided, That no county shall be liable to pay for this purpose in any one year an amount exceeding five hundred dollars.<sup>29</sup> [L. 1899, act 14, sec. 4=1 Pur. Dig., p. 730, sec. 54.]

**No. 156.** Each of said constables or wardens shall, for the purpose of this act, have concurrent jurisdiction throughout his own proper county; and they shall in the first week in each term of the court of quarter sessions of their respective counties, make special returns to said court, under oath, of all violations occurring in their respective townships, or which may come or be brought to their notice, of any of the provisions of any law now in force, or that may hereafter be enacted, for the protection of forests and timber lands, game and fish; and it

<sup>29</sup> Under the firewarden system (Nos. 159-180) which preceded the present system, the Commissioner acted as Chief Firewarden. That earlier system, and certain additional fire protection measures, imposing duties upon County Commissioners and the Commissioner of Forestry, and also making Constables Ex-officio Fire, Game, and Fish Wardens (*see Nos. 152-158*), have, however, been made subject to reorganization by the Chief Forest Firewarden, in order to conform those earlier provisions to the present system (*see No. 87c*); and, in consequence, the general operation of the earlier provisions during the process of reorganization rests with the Chief Forest Firewarden. It is, of course, impossible to indicate to what extent the reorganization, as made so far, may have resulted in replacing the former provisions. While, however, the reorganization is in course of being effected, the Chief Forest Firewarden operates under the earlier fire protection provisions to whatever extent they may not have been replaced.

<sup>13</sup> Authenticated copies of the 1921 legislation used in this leaflet were procured informally, from the office of the Commissioner of Forestry, in advance of the official publication of the volume of Session Laws.



shall be the duty of the judge of said court to see that such returns are faithfully made, and any constable or warden wilfully neglecting or refusing to make such returns, or to prosecute any offense under said laws of which he shall have personal knowledge, or of which he shall have notice in writing by any citizen, giving the name of the offender together with the names of the witnesses, shall be guilty of a misdemeanor, and upon conviction thereof be sentenced to pay a fine of fifty dollars, or to undergo an imprisonment in the county jail of two months, both or either, at the discretion of the court.<sup>29</sup> [L. 1899, act 14, sec. 5=1 Pur. Dig., p. 730, sec. 55.]

**No. 157.** Be it enacted, &c., That when the commissioners of any county or counties fail to "appoint persons under oath, whose duty it shall be to ferret out and bring to punishment all persons or corporations who either wilfully or otherwise cause the burning of timber land within their respective counties," as is provided for by the act of July 15th, 1897, or when they have appointed inefficient persons to do the work aforesaid; the Commissioner of Forestry may, on the request of residents of a county in which such fires have been created, or on the request of the owner or owners of land which has been injured by the fires so created, appoint a detective or detectives, and employ an attorney or attorneys, to ferret out and bring to punishment, as aforesaid, those who cause the burning of timber lands; and all expenses incurred by the Commissioner of Forestry under the operation of this act shall be paid by the State Treasurer, on warrant drawn by the Auditor General, if the said bills shall be approved by the Governor and the Commissioner of Forestry; and all the fines collected shall be paid by the magistrate or by order of the court to the Commissioner of Forestry, and be paid by him to the Treasurer of the Commonwealth.<sup>29</sup> [L. 1901, act 86, sec. 1=2 Pur. Dig., p. 1746, sec. 46.]

**No. 158.** When conviction is obtained, under the provisions of this act, of persons or corporations causing the burning of timber lands, then the Auditor General, on the request of the Commissioner of Forestry, may refuse to pay the State's share of the money due to the county for the services of the person or persons, appointed by the county commissioners, to ferret out and bring to punishment those who caused forest fires in the district where such persons served as fire detectives, to make arrests and secure convictions, and for which conviction was obtained by the detectives appointed by the Commissioner of Forestry.<sup>29</sup> [L. 1901, act 86, sec. 2=2 Pur. Dig., p. 1747, sec. 47.]

**No. 159.** Be it enacted, &c., That there be hereby instituted and created a system of fire-wardens, within this Commonwealth, whose duty it shall be to protect forests, farmers' woodlots, and wild lands by preventing and suppressing fires.<sup>29</sup> [L. 1909, act 601, sec. 1=5 Pur. Dig., p. 6246, sec. 96.]

**No. 160.** The Commissioner of Forestry and the Deputy Commissioner of Forestry shall be, respectively, the Chief Fire Warden and the Deputy Chief Fire Warden of this Commonwealth, for the enforcement of the provisions of this act. They shall have immediate supervision and control of the whole system of fire-wardens hereby created, and, as such, shall have full power and authority to carry the same into effect.<sup>29</sup> [L. 1909, act 601, sec. 2=5 Pur. Dig., p. 6246, sec. 97.]

**No. 161.** As soon after the approval of this act as may be convenient, the Commissioner of Forestry shall appoint in each borough and township in this Commonwealth, if in his judgment necessity exists for such appointment, a suitable and competent person, who shall be known as the dis-

trict fire-warden of the particular borough or township wherein he shall be appointed. The persons appointed district fire-wardens shall be expressly chosen to carry out the provisions of this act, by reason of their physical fitness and their good reputation for sobriety, honesty, and ability to perform the duties herein demanded and required.<sup>29</sup> [L. 1909, act 601, sec. 3=5 Pur. Dig., p. 6246, sec. 98.]

**No. 162.** Every district fire-warden and every assistant fire-warden, appointed or provided for under the provisions of this act, shall procure, at his own expense, and wear and be known by, an appropriate badge of authority, to be approved by the Commissioner of Forestry, which shall be produced and shown on all proper occasions, whenever demanded.<sup>29</sup> [L. 1909, act 601, sec. 4=5 Pur. Dig., p. 6246, sec. 99.]

**No. 163.** Whenever fire is discovered in or approaching woodlots, forests, or wild lands, whether the same be owned by individuals, corporations or by the Commonwealth, it shall be the duty of the fire-warden, immediately, to take such measures as are necessary for the extinguishment of the fire. He shall have authority to employ such other persons as, in his judgment, may be necessary to render assistance in extinguishing fire; and whenever it shall not otherwise be possible for him to secure a sufficient number of persons to assist in extinguishing fire, he is hereby given the power and authority to compel the attendance of, and the rendering of assistance by, persons, in the extinguishing of fire under the penalties prescribed in this act. The district fire-warden, while engaged in performing the duties imposed by this act, shall receive as compensation twenty-five (25c) cents per hour, and his actual, necessary expenses incurred; and the persons so employed, or compelled to assist the warden, in the extinguishment of fire, shall receive as compensation for their services fifteen (15c) cents per hour.<sup>29</sup> [L. 1909, act 601, sec. 5=5 Pur. Dig., p. 6246, sec. 100.]

**No. 164.** The employees of the Department of Forestry shall be ex-officio fire-wardens, whose duties and powers shall be the same as, by this act, are vested in the district fire-wardens appointed by the Commissioner of Forestry; but they shall not receive any compensation other than the regular pay allowed as an employee of the Department of Forestry, and the necessary expenses by them incurred in the performance of their duties as fire-wardens.<sup>29</sup> [L. 1909, act 601, sec. 6=5 Pur. Dig., p. 6246, sec. 101.]

**No. 165.** Nothing in this act shall be so construed as to relieve the owner or lessee of lands, upon which fires may burn or be started, from the duty of extinguishing such fire so far as may lie within his power. No such owner or lessee, nor any person in the employ of such owner or lessee, shall receive any compensation under this act for extinguishing fire upon the lands of such owner or lessee.<sup>29</sup> [L. 1909, act 601, sec. 7=5 Pur. Dig., p. 6247, sec. 102.] See also No. 173.

**No. 166.** In each township and borough the district fire-wardens, appointed by the Commissioner of Forestry, may appoint, by and with the consent of the Commissioner of Forestry, suitable persons, to be known as assistant fire-wardens, who shall possess the same qualifications demanded by this act for the district fire-wardens, and who are hereby vested with the same power and authority. They shall receive, as compensation for their services so to be performed, the sum of twenty cents per hour, and the necessary expenses incurred in the actual performance of their duty. They shall



make their reports to the district fire-warden, and be under his immediate supervision and control, subject to the supervision of the Commissioner of Forestry.<sup>20</sup> [L. 1909, act 601, sec. 8=5 Pur. Dig., p. 6247, sec. 103.]

**No. 167.** Whenever a forest, woodlot or wildland fire shall have been combatted or extinguished, by the means provided for in this act, the district fire-warden shall prepare a correct statement, showing the date of the fire, the number of men employed to extinguish the fire, the number of hours each was employed, and the actual amount of expense incurred, verified by oath or affirmation, and shall forward the same at once to the Commissioner of Forestry. It shall be the further duty of the district fire-warden thoroughly to investigate the cause or origin of the fire, to collect such evidence as may be discovered relating thereto, and make a report thereon to the Commissioner of Forestry, together with a statement showing the area burned over and damage done by the fire. The assistant fire-wardens shall render their accounts, under oath or affirmation, to the district fire-warden, who shall thoroughly investigate the facts therein stated, and, if he find them correct, shall transmit the same to the Commissioner of Forestry. The above reports and accounts shall be made upon uniform blanks to be furnished by the Commissioner of Forestry.<sup>20</sup> [L. 1909, act 601, sec. 9=5 Pur. Dig., p. 6247, secs. 104, 105.]

**No. 168.** Upon receipt of bills for extinguishing forest fires, the Commissioner of Forestry is hereby authorized and directed carefully to audit the same. He shall not approve any bill until he has first satisfied himself of its correctness, and that the services therein claimed were actually rendered, or the expense actually incurred. If the Commissioner of Forestry approve an account so rendered, he shall transmit the same to the Auditor General of the Commonwealth; who shall first satisfy himself of its correctness, and shall then draw his warrant, against the fund hereinafter appropriated to pay for the extinguishment of forest fires, and in favor of the respective district fire-wardens, as directed by the Commissioner of Forestry. Said warrants shall be delivered to the Commissioner of Forestry, for transmission to the district fire-wardens, who are hereby then required to pay the several sums so transmitted to the persons lawfully entitled thereto, taking proper receipts and vouchers for each payment so made, which vouchers shall be filed with the Commissioner of Forestry.<sup>20</sup> [L. 1909, act 601, sec. 10=5 Pur. Dig., p. 6247, sec. 106.]

**No. 169.** At the end of each calendar year, after the bill for the extinguishment of forest fires shall have been presented for that year, the Auditor General of the Commonwealth shall prepare a statement showing the expenditure made for the extinguishment of fires in each of the counties of the State, and shall transmit to the Commissioners of each county a copy of the statement relating to their respective county. The Auditor General shall, at the same time, state an account with each of the said counties, and collect from each county an amount equal to one-fifth of the amount expended by the Commonwealth for the extinguishment of forest fires in that particular county. The county commissioners of each county shall, immediately upon receipt of the stated account of the Auditor General, forward to him, for the use of the Commonwealth, the amount of money so found to be due and owing by the county for the extinguishment of forest fires. In case the said account is not settled within thirty days after its receipt by the county commissioners, the Auditor General is hereby authorized, empowered, and required to collect the amount of the then delinquent account stated, in manner provided by existing law for the collection of accounts due the Commonwealth.<sup>20</sup> [L. 1909, act 601, sec. 11=5 Pur. Dig., p. 6247, sec. 107.]

**No. 170.** The said fire-wardens shall not be limited in their jurisdiction, as such, to the boroughs, townships, or counties for or within which they may be appointed; but shall have power and authority to enter adjacent or other boroughs, townships, or counties, and there exercise the authority and perform the duties conferred upon them by this act: Provided, That when, for the purpose of extinguishing fire, a fire-warden shall enter adjacent or other territory than that for or within which he shall have been appointed, the local warden, if present, shall be in command and direct the work of the various fire-fighting crews.<sup>20</sup> [L. 1909, act 601, sec. 12=5 Pur. Dig., p. 6247, sec. 108.]

**No. 171.** Whenever any fire-warden, or person employed by him, shall have rendered service in the extinguishment of fire which may have burned within two or more counties, the district fire-warden shall render to the Commissioner of Forestry his report, as hereinbefore required, relating to each of the said counties, in order that the expense of extinguishing fire may be rightly and properly distributed between or among the counties in which fire may have burned.<sup>20</sup> [L. 1909, act 601, sec. 13=5 Pur. Dig., p. 6248, sec. 109.]

**No. 172.** Whenever any fire-warden, by reason of physical disability, or unavoidable absence from home during the fire season, or for any good and sufficient cause, shall be unable to perform the duties required by this act, he is, hereby empowered, with the consent of the Commissioner of Forestry, to employ a suitable person to act in his stead; which said person, so appointed, shall have all the qualifications demanded of the fire-warden, and for services so rendered, in the absence of the fire-warden, he shall receive the same compensation: Provided, That the reports hereinbefore required to be made to the Commissioner of Forestry shall be made by the district fire-warden. In case the death of the district fire-warden should occur before making the report herein required, or in case of his total physical disability, the said report may be made by an assistant fire-warden, after first ascertaining the facts; and in making such examination or investigation, such assistant fire-warden is hereby empowered to examine persons, under oath or affirmation to be administered by himself.<sup>20</sup> [L. 1909, act 601, sec. 14=5 Pur. Dig., p. 6248, sec. 110.]

**No. 173.** Whenever, in the absence of a fire-warden, a forest, woodlot, or wild land fire shall be extinguished or combatted by persons without first having been employed by said warden, such persons shall receive the compensation allowed by this act: Provided, That after a thorough investigation by the district fire-warden, wherein he shall have power and authority to examine persons under oath or affirmation, administered by himself, he shall have ascertained, as a result of his investigation, the facts hereinbefore required to be included in his report to the Commissioner of Forestry, the truth of which he shall first have fully demonstrated to his own satisfaction: Provided further, That if his investigation shall disclose that any person, so claiming compensation, set the fire, or in any manner, carelessly, negligently, or maliciously, contributed to its burning, such person not only shall not be allowed any compensation, but shall be proceeded against criminally, if in the judgment of the Commissioner of Forestry the evidence shall warrant such prosecution.<sup>20</sup> [L. 1909, act 601, sec. 15=5 Pur. Dig., p. 6248, sec. 111.] *See also No. 165.*

**No. 174.** No fire-warden, appointed in accordance with the provisions of this act, shall be personally liable to any person employed or required to combat or extinguish fire, by reason of such employment or requirement; and no action for any compensation alleged or claimed to be due any per-

son for combatting or extinguishing fire shall lie against such fire-warden.<sup>20</sup> [L. 1909, act. 601, sec. 16=5 Pur. Dig., p. 6248, sec. 112.]

**No. 175.** If any person shall feel aggrieved by the act of any fire-warden, in allowing or disallowing any sum as compensation for extinguishing fires, such person may appeal to the Commissioner of Forestry, who will examine into the complaint. After hearing the proofs and allegations of the parties, he shall decide as to him shall seem just and right, and his decision shall be final and not subject to review.<sup>20</sup> [L. 1909, act 601, sec. 17=5 Pur. Dig., p. 6248, sec. 113.]

**No. 176.** During the months of April and May and the period from September fifteenth to November fifteenth, in each year, commonly called the fire seasons, in order to prevent fire and provide for its immediate suppression, the fire-wardens may, in the discretion of the Commissioner of Forestry, be required to keep daily patrol in the regions under their care known to be especially hazardous or subject to outbreak of fire. For such services, so to be rendered, the fire-wardens, in addition to the compensation hereinabove allowed, shall be entitled to receive a stated sum, not in excess of twenty-five dollars per month, to be fixed and allowed by the Commissioner of Forestry. The Commissioner of Forestry shall, likewise, designate the fire-wardens for such continuous service, and the places to be patrolled by them, as in his judgment will produce the best results in the prevention or immediate suppression of fire. All sums of money which may thus become due to fire-wardens for continuous patrol service, and all other sums of money which may be earned by them and others in the prevention and suppression of fire, shall be paid, in manner hereinbefore provided, from the fund appropriated for the use of the fire-warden system created by this act.<sup>20</sup> [L. 1909, act 601, sec. 18=5 Pur. Dig., p. 6248, sec. 114.]

**No. 177.** Every fire-warden appointed, or so constituted and designated, in accordance with the provisions of this act, shall have the same powers as by existing law are con-

ferred upon constables and other peace officers, to arrest on view, without first procuring a warrant therefor, any person detected by them in the act of committing an offense against any of the laws now enacted or hereinafter to be enacted for the protection of forests, woodlots, timber or wild lands, or when they shall have a reasonable suspicion that any person is committing or is about to commit some such offense. The said warden shall have further power to take and convey the offender before a justice of the peace, or other magistrate having jurisdiction for hearing, trial, or other due process of law.<sup>20</sup> [L. 1909, act 601, sec. 19=5 Pur. Dig., p. 6248, sec. 115.]

**No. 178.** If any fire-warden shall fail, or wilfully or negligently refuse, to perform his duty, or shall render a false or fraudulent statement of services alleged to have been performed; or shall fail or refuse to pay promptly the respective amounts due those who have assisted in the extinguishing of said fires, after said amounts have been transmitted to him by the Commissioner of Forestry; such fire-warden shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be fined in a sum not exceeding one hundred dollars, or undergo imprisonment not exceeding three months, either or both, at the discretion of the court.<sup>20</sup> [L. 1909, act 601, sec. 20=5 Pur. Dig., p. 6249, sec. 116.]

**No. 179.** If any fire-warden, being in need of assistance in the suppression of fire, shall call upon any person to render such assistance, and such person shall refuse to render assistance, without a just, fair, and legal excuse, and one which is satisfactory to the fire-warden, he is hereby declared to be guilty of a misdemeanor, and, upon conviction thereof, shall be sentenced to pay a fine not exceeding fifty dollars, or imprisonment not exceeding one month, either or both, at the discretion of the court.<sup>20</sup> [L. 1909, act 601, sec. 21=5 Pur. Dig., p. 6249, sec. 117.]

**No. 180.**

NOTE.—The provisions of section 22, act 601, L. 1909,<sup>20</sup> making an appropriation for the fire protection work under that act, for the biennium following, is here omitted for the reason that it is obsolete.





